

108TH CONGRESS  
1ST SESSION

# H. R. 2557

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. YOUNG of Alaska (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Water Resources Development Act of 2003”.

6       (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

#### TITLE I—WATER RESOURCES PROJECTS

- Sec. 1001. Project authorizations.
- Sec. 1002. Small projects for flood damage reduction.
- Sec. 1003. Small projects for emergency streambank protection.
- Sec. 1004. Small projects for navigation.
- Sec. 1005. Small projects for improvement of the quality of the environment.
- Sec. 1006. Small projects for aquatic ecosystem restoration.
- Sec. 1007. Small projects for shoreline protection.

#### TITLE II—GENERAL PROVISIONS

- Sec. 2001. Annual passes for recreation.
- Sec. 2002. Non-Federal contributions.
- Sec. 2003. Harbor cost sharing.
- Sec. 2004. Funding to process permits.
- Sec. 2005. National shoreline erosion control development and demonstration program.
- Sec. 2006. Written agreement for water resources projects.
- Sec. 2007. Assistance for remediation, restoration, and reuse.
- Sec. 2008. Compilation of laws.
- Sec. 2009. Dredged material disposal.
- Sec. 2010. Wetlands mitigation.
- Sec. 2011. Remote and subsistence harbors.
- Sec. 2012. Beneficial uses of dredged material.
- Sec. 2013. Cost sharing provisions for certain areas.
- Sec. 2014. Revision of project partnership agreement.
- Sec. 2015. Cost sharing.
- Sec. 2016. Credit for work performed before partnership agreement.
- Sec. 2017. Recreation user fee revenues.
- Sec. 2018. Expedited actions for emergency flood damage reduction.
- Sec. 2019. Watershed and river basin assessments.
- Sec. 2020. Tribal partnership program.
- Sec. 2021. Treatment of certain separable elements.
- Sec. 2022. Prosecution of work.
- Sec. 2023. Wildfire firefighting.
- Sec. 2024. Credit for non-construction services.
- Sec. 2025. Technical assistance.
- Sec. 2026. Centers of specialized planning expertise.
- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2028. Project streamlining.

#### TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. Cook Inlet, Anchorage Harbor, Alaska.
- Sec. 3002. King Cove Harbor, Alaska.
- Sec. 3003. St. Paul Harbor, Alaska.
- Sec. 3004. Sitka, Alaska.
- Sec. 3005. Tatilek, Alaska.
- Sec. 3006. American and Sacramento Rivers, California.
- Sec. 3007. Cache Creek Basin, California.
- Sec. 3008. Grayson Creek/Murderer's Creek, California.
- Sec. 3009. John F. Baldwin Ship Channel and Stockton Ship Channel, California.

- Sec. 3010. Los Angeles Harbor, Los Angeles, California.
- Sec. 3011. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3012. Napa River Salt Marsh Restoration, Napa River, California.
- Sec. 3013. Pacific Flyway Center, Sacramento, California.
- Sec. 3014. Pinole Creek, California.
- Sec. 3015. Prado Dam, California.
- Sec. 3016. Sacramento Deep Water Ship Channel, California.
- Sec. 3017. Sacramento River, Glenn-Colusa, California.
- Sec. 3018. San Lorenzo River, California.
- Sec. 3019. Upper Guadalupe River, California.
- Sec. 3020. Walnut Creek Channel, California.
- Sec. 3021. Wildeat/San Pablo Creek Phase I, California.
- Sec. 3022. Wildeat/San Pablo Creek Phase II, California.
- Sec. 3023. Brevard County, Florida.
- Sec. 3024. Gasparilla and Estero Islands, Florida.
- Sec. 3025. Lido Key Beach, Sarasota, Florida.
- Sec. 3026. Manatee Harbor, Florida.
- Sec. 3027. Tampa Harbor, Florida.
- Sec. 3028. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 3029. Little Wood River, Gooding, Idaho.
- Sec. 3030. Mississippi River and Big Muddy River, Illinois.
- Sec. 3031. Little Calumet River, Indiana.
- Sec. 3032. White River, Indiana.
- Sec. 3033. Wolf Lake, Indiana.
- Sec. 3034. Harlan County, Kentucky.
- Sec. 3035. Prestonsburg, Kentucky.
- Sec. 3036. Atchafalaya Basin, Louisiana.
- Sec. 3037. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3038. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 3039. Mississippi Delta Region, Louisiana.
- Sec. 3040. New Orleans to Venice, Louisiana.
- Sec. 3041. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3042. Union River, Maine.
- Sec. 3043. Cass River, Spaulding Township, Michigan.
- Sec. 3043. Detroit River Shoreline, Detroit, Michigan.
- Sec. 3044. Water Resources Institute, Muskegon, Michigan.
- Sec. 3045. Saginaw River, Bay City, Michigan.
- Sec. 3046. Ada, Minnesota.
- Sec. 3047. Duluth Harbor, Mcquade Road, Minnesota.
- Sec. 3048. Granite Falls, Minnesota.
- Sec. 3049. Minneapolis, Minnesota.
- Sec. 3050. Red Lake River, Minnesota.
- Sec. 3051. Silver Bay, Minnesota.
- Sec. 3052. Taconite Harbor, Minnesota.
- Sec. 3053. Two Harbors, Minnesota.
- Sec. 3054. Deer Island, Harrison County, Mississippi.
- Sec. 3055. Bois Brule Drainage and Levee District, Missouri.
- Sec. 3056. Sand Creek Watershed, Wahoo, Nebraska.
- Sec. 3057. Orchard Beach, Bronx, New York.
- Sec. 3058. Times Beach, Buffalo, New York.
- Sec. 3059. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3060. New York State Canal System.
- Sec. 3061. Willamette River Temperature Control, Mckenzie Subbasin, Oregon.

- Sec. 3062. Lackawanna River at Olyphant, Pennsylvania.
- Sec. 3063. Lackawanna River at Scranton, Pennsylvania.
- Sec. 3064. Raystown Lake, Pennsylvania.
- Sec. 3065. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 3066. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3067. South Central Pennsylvania.
- Sec. 3068. Wyoming Valley, Pennsylvania.
- Sec. 3069. Little Limestone Creek, Jonesborough, Tennessee.
- Sec. 3070. Lower Rio Grande Basin, Texas.
- Sec. 3071. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3072. San Antonio Channel, San Antonio, Texas.
- Sec. 3073. Elizabeth River, Chesapeake, Virginia.
- Sec. 3074. Roanoke River Upper Basin, Virginia.
- Sec. 3075. Lake Kemp, Texas.
- Sec. 3076. Blair and Siteum Waterways, Tacoma Harbor, Washington.
- Sec. 3077. Greenbrier River Basin, West Virginia.
- Sec. 3078. Manitowoc Harbor, Wisconsin.
- Sec. 3079. Continuation of project authorizations.
- Sec. 3080. Project reauthorization.
- Sec. 3081. Project deauthorizations.
- Sec. 3083. Land conveyances.
- Sec. 3084. Extinguishment of reversionary interests and use restrictions.

#### TITLE IV—STUDIES

- Sec. 4001. John Glenn Great Lakes basin program.
- Sec. 4002. St. George Harbor, Alaska.
- Sec. 4003. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
- Sec. 4004. Hamilton, California.
- Sec. 4005. Oceanside, California.
- Sec. 4006. Sacramento River, California.
- Sec. 4007. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 4008. Tybee Island, Georgia.
- Sec. 4009. Calumet Harbor, Illinois.
- Sec. 4010. Paducah, Kentucky.
- Sec. 4011. West Feliciana Parish, Louisiana.
- Sec. 4012. City of Mackinac Island, Michigan.
- Sec. 4013. Chicago, Illinois.
- Sec. 4014. South Branch, Chicago River, Chicago, Illinois.
- Sec. 4015. Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey.
- Sec. 4017. Pueblo of Zuni, New Mexico.
- Sec. 4018. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 4019. Sac and Fox Nation, Oklahoma.
- Sec. 4020. Sutherlin, Oregon.
- Sec. 4021. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 4022. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
- Sec. 4023. Sabine Pass to Galveston Bay, Texas.
- Sec. 4024. Chehalis River Basin, Washington.
- Sec. 4025. Sprague, Lincoln County, Washington.
- Sec. 4026. Monongahela River Basin, Northern West Virginia.
- Sec. 4027. Wauwatosa, Wisconsin.

## TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Maintenance of navigation channels.
- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.
- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.
- Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 5012. Membership of Missouri River Trust.
- Sec. 5014. Great Lakes fishery and ecosystem restoration.
- Sec. 5015. Susquehanna, Delaware, and Potomac River basins.
- Sec. 5016. Chesapeake Bay environmental restoration and protection program.
- Sec. 5018. Montgomery, Alabama.
- Sec. 5019. Alaska.
- Sec. 5020. Akutan Small Boat Harbor, Alaska.
- Sec. 5021. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 5022. St. Herman Harbor, Kodiak, Alaska.
- Sec. 5023. Augusta and Clarendon, Arkansas.
- Sec. 5024. Loomis Landing, Arkansas.
- Sec. 5025. McClellan-Kerr Arkansas River navigation project, Arkansas.
- Sec. 5025. St. Francis River Basin, Arkansas and Missouri.
- Sec. 5026. Cambria, California.
- Sec. 5027. East San Joaquin County, California.
- Sec. 5028. Sacramento Area, California.
- Sec. 5029. San Francisco, California.
- Sec. 5030. San Francisco, California, waterfront area.
- Sec. 5031. Stockton, California.
- Sec. 5032. Everglades restoration, Florida.
- Sec. 5033. Lake Lanier, Georgia.
- Sec. 5034. Riley Creek recreation area, Idaho.
- Sec. 5035. Grand Tower drainage and levees, Grand Tower Township, Illinois.
- Sec. 5036. Kaskaskia River basin, Illinois, restoration.
- Sec. 5037. Natalie Creek, Midlothian and Oak Forest, Illinois.
- Sec. 5038. Illinois River basin restoration.
- Sec. 5039. Calumet region, Indiana.
- Sec. 5040. Rathbun Lake, Iowa.
- Sec. 5041. Mayfield Creek and tributaries, Kentucky.
- Sec. 5042. Southern and Eastern Kentucky.
- Sec. 5043. Coastal Louisiana ecosystem protection and restoration.
- Sec. 5044. Baton Rouge, Louisiana.
- Sec. 5045. West Baton Rouge Parish, Louisiana.
- Sec. 5046. Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.
- Sec. 5047. Delmarva conservation corridor, Maryland.
- Sec. 5048. Detroit River, Michigan.
- Sec. 5049. Oakland County, Michigan.
- Sec. 5050. St. Clair River and Lake St. Clair, Michigan.
- Sec. 5051. Garrison and Kathio Township, Minnesota.
- Sec. 5052. Northeastern Minnesota.

- Sec. 5053. Mississippi River, Missouri, and Illinois.
- Sec. 5054. St. Louis, Missouri.
- Sec. 5055. Hackensack Meadowlands area, New Jersey.
- Sec. 5056. Atlantic Coast of New York.
- Sec. 5057. College Point, New York City, New York.
- Sec. 5058. Flushing Bay and Creek, New York City, New York.
- Sec. 5059. Little Neck Bay, Village of Kings Point, New York.
- Sec. 5060. Stanley County, North Carolina.
- Sec. 5061. Piedmont Lake Dam, Ohio.
- Sec. 5062. Waurika Lake, Oklahoma.
- Sec. 5063. Columbia River, Oregon.
- Sec. 5064. Eugene, Oregon.
- Sec. 5065. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 5066. Lowell, Oregon.
- Sec. 5067. Hagerman's Run, Williamsport, Pennsylvania.
- Sec. 5068. Northeast Pennsylvania.
- Sec. 5069. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
- Sec. 5070. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 5071. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
- Sec. 5072. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5073. Lakes Marion and Moultrie, South Carolina.
- Sec. 5074. Upper Big Sioux River, Watertown, South Dakota.
- Sec. 5075. Fritz Landing, Tennessee.
- Sec. 5076. Memphis, Tennessee.
- Sec. 5077. Town Creek, Lenoir City, Tennessee.
- Sec. 5078. Tennessee River partnership.
- Sec. 5079. Clear Creek and tributaries, Harris and Galveston Counties, Texas.
- Sec. 5080. Harris Gully, Harris County, Texas.
- Sec. 5081. Onion Creek, Texas.
- Sec. 5082. Pelican Island, Texas.
- Sec. 5083. Front Royal, Virginia.
- Sec. 5084. Richmond National Battlefield Park, Richmond, Virginia.
- Sec. 5085. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5086. Chehalis River, Centralia, Washington.
- Sec. 5087. Hamilton Island Campground, Washington.
- Sec. 5088. Puget Island, Washington.
- Sec. 5089. Bluestone, West Virginia.
- Sec. 5090. West Virginia and Pennsylvania flood control.
- Sec. 5091. Lower Kanawha River Basin, West Virginia.
- Sec. 5092. Central West Virginia.
- Sec. 5093. Southern West Virginia.
- Sec. 5094. Construction of flood control projects by non-Federal interests.
- Sec. 5095. Bridge authorization.

## **1 SEC. 2. DEFINITION OF SECRETARY.**

2        In this Act, the term “Secretary” means the Sec-  
 3        retary of the Army.

1       **TITLE I—WATER RESOURCES**  
2                   **PROJECTS**

3   **SEC. 1001. PROJECT AUTHORIZATIONS.**

4       Except as otherwise provided in this section, the fol-  
5   lowing projects for water resources development and con-  
6   servation and other purposes are authorized to be carried  
7   out by the Secretary substantially in accordance with the  
8   plans, and subject to the conditions, described in the re-  
9   spective reports designated in this section:

10           (1)   AMERICAN RIVER WATERSHED, CALI-  
11       FORNIA.—The project for flood damage reduction  
12       and environmental restoration, American River Wa-  
13       tershed, California: Report of the Chief of Engi-  
14       neers, dated November 5, 2002, at a total cost of  
15       \$257,300,000, with an estimated Federal cost of  
16       \$201,200,000 and an estimated non-Federal cost of  
17       \$56,100,000; except that the Secretary is authorized  
18       to accept funds from State and local governments  
19       and other Federal agencies for the purpose of con-  
20       structing a permanent bridge instead of the tem-  
21       porary bridge described in the recommended plan  
22       and may construct such permanent bridge if all ad-  
23       ditional costs for such bridge, above the \$36,000,000  
24       provided for in the recommended plan for bridge  
25       construction, are provided.

1           (2) PINE FLAT DAM AND RESERVOIR, CALI-  
2           FORNIA.—The project for environmental restoration,  
3           Pine Flat Dam and Reservoir, Fresno County, Cali-  
4           fornia: Report of the Chief of Engineers, dated July  
5           19, 2002, at a total cost of \$38,489,000, with an es-  
6           timated Federal cost of \$24,930,000 and an esti-  
7           mated non-Federal cost of \$13,550,000.

8           (3) SOUTH PLATTE RIVER, DENVER, COLO-  
9           RADO.—The project for environmental restoration  
10          Denver County Reach, South Platte River, Denver,  
11          Colorado: Report of the Chief of Engineers, dated  
12          May 16, 2003, at a total cost of \$17,997,000, with  
13          an estimated Federal cost of \$11,698,000 and an es-  
14          timated non-Federal cost of \$6,299,000.

15          (4) MORGANZA TO THE GULF OF MEXICO, LOU-  
16          ISIANA.—

17                (A) IN GENERAL.—The project for hurri-  
18                cane and storm damage reduction, Morganza to  
19                the Gulf of Mexico, Louisiana: Report of the  
20                Chief of Engineers, dated August 23, 2002, at  
21                a total cost of \$719,00,000, with an estimated  
22                Federal cost of \$467,000,000 and an estimated  
23                non-Federal cost of \$252,000,000.

24                (B) CREDIT.—The Secretary shall credit  
25                toward the non-Federal share of the cost of the



1 project the cost of work carried out by the non-  
2 Federal interest for interim flood protection  
3 after March 31, 1989, if the Secretary deter-  
4 mines that the work is integral to the project.

5 (5) SMITH ISLAND, MARYLAND.—The project  
6 for environmental restoration and protection, Smith  
7 Island, Maryland: Report of the Chief of Engineers,  
8 dated October 29, 2001, at a total cost of  
9 \$8,000,000, with an estimated Federal cost of  
10 \$5,200,000 and an estimated non-Federal cost of  
11 \$2,800,000.

12 (6) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
13 CHRISTI, TEXAS.—The project for navigation and  
14 environmental restoration, Corpus Christi Ship  
15 Channel, Texas, Channel Improvement Project: Re-  
16 port of the Chief of Engineers dated June 2, 2003,  
17 at a total cost of \$153,808,000, with an estimated  
18 Federal cost of \$73,554,000 and an estimated non-  
19 Federal cost of \$80,254,000.

20 (7) MATAGORDA BAY, TEXAS.—The project for  
21 navigation, Gulf Intracoastal Waterway, Brazos  
22 River to Port O'Connor, Matagorda Bay Re-Route,  
23 Texas: Report of the Chief of Engineers, dated De-  
24 cember 4, 2002, at a total cost of \$14,515,000. The  
25 costs of construction of the project are to be paid ½

1 from amounts appropriated from the general fund of  
2 the Treasury and 1/2 from amounts appropriated  
3 from the Inland Waterways Trust Fund.

4 (8) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

5 (A) IN GENERAL.—The project for envi-  
6 ronmental restoration, Riverside Oxbow, Fort  
7 Worth, Texas: Report of the Chief of Engineers  
8 dated May 29, 2003, at a total cost of  
9 \$22,200,000, with an estimated Federal cost of  
10 \$9,180,000 and an estimated non-Federal cost  
11 of \$13,020,000.

12 (B) CREDIT.—The Secretary shall credit  
13 toward the non-Federal share of the cost of the  
14 project the cost of design and construction work  
15 carried out on the Beach Street Dam and asso-  
16 ciated features by the non-Federal interest be-  
17 fore the date of the partnership agreement for  
18 the project if the Secretary determines that the  
19 work is integral to the project.

20 (9) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

21 The project for the Atlantic Intracoastal Waterway  
22 Bridge Replacement, Deep Creek, Chesapeake, Vir-  
23 ginia: Report of the Chief of Engineers, dated March  
24 3, 2003, at a total cost of \$22,178,000.

1 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
2 **TION.**

3 (a) IN GENERAL.—The Secretary shall conduct a  
4 study for each of the following projects and, if the Sec-  
5 retary determines that a project is feasible, may carry out  
6 the project under section 205 of the Flood Control Act  
7 of 1948 (33 U.S.C. 701s):

8 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—  
9 Project for flood damage reduction, Cache River  
10 basin, Grubbs, Arkansas.

11 (2) SANTA ANA RIVER BASIN AND ORANGE  
12 COUNTY STREAMS, CALIFORNIA.—Project for flood  
13 damage reduction, Santa Ana River basin and Or-  
14 ange County streams, California.

15 (3) NASHUA RIVER, FITCHBURG, MASSACHU-  
16 SETTS.—Project for flood damage reduction, Nashua  
17 River, Fitchburg, Massachusetts.

18 (4) SAGINAW RIVER, HAMILTON DAM, FLINT,  
19 MICHIGAN.—Project for flood damage reduction,  
20 Saginaw River, Hamilton Dam, Flint, Michigan.

21 (5) SOUTH BRANCH OF THE WILD RICE RIVER,  
22 BORUP, MINNESOTA.—Project for flood damage re-  
23 duction, South Branch of the Wild Rice River,  
24 Borup, Minnesota

1           (6) BLACKSNAKE CREEK, ST. JOSEPH, MIS-  
2       SOURI.—Project for flood damage reduction, Black-  
3       snake Creek, St. Joseph, Missouri.

4           (7) McKEEL BROOK, NEW JERSEY.—Project  
5       for flood damage reduction, McKeel Brook, New  
6       Jersey.

7           (8) EAST RIVER, SILVER BEACH, NEW YORK  
8       CITY, NEW YORK.—Project for flood damage reduc-  
9       tion, East River, Silver Beach, New York City, New  
10      York.

11          (9) RAMAPO RIVER, TOWN OF MONROE AND  
12      VILLAGES OF MONROE, KIRYAS JOEL, AND HAR-  
13      RIMAN, NEW YORK.—Project for flood damage re-  
14      duction, Ramapo River, Town of Monroe and Vil-  
15      lages of Monroe, Kiryas Joel, and Harriman, New  
16      Jersey.

17          (10) LITTLE MILL CREEK, SOUTHAMPTON,  
18      PENNSYLVANIA.—Project for flood damage reduc-  
19      tion, Little Mill Creek, Southampton, Pennsylvania.

20          (11) LITTLE NESHAMINY CREEK, WARRENTON,  
21      PENNSYLVANIA.—Project for flood damage reduc-  
22      tion, Little Neshaminy Creek, Warrenton, Pennsyl-  
23      vania.

1           (12) SURFSIDE BEACH, SOUTH CAROLINA.—  
2       Project for flood damage reduction, Surfside Beach  
3       and vicinity, South Carolina.

4       (b) SPECIAL RULES.—In carrying out the project for  
5       flood damage reduction, South Branch of the Wild Rice  
6       River, Borup, Minnesota, referred to in subsection (a)(5)  
7       the Secretary may consider national ecosystem restoration  
8       benefits in determining the Federal interest in the project  
9       and shall allow the non-Federal interest to participate in  
10      the financing of the project in accordance with section  
11      903(c) of the Water Resources Development Act of 1986  
12      (100 Stat. 4184) to the extent that the Secretary’s evalua-  
13      tion indicates that applying such section is necessary to  
14      implement the project.

15   **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**  
16                   **STREAMBANK PROTECTION.**

17       The Secretary shall conduct a study for the following  
18      project and, if the Secretary determines that the project  
19      is feasible, may carry out the project under section 14 of  
20      the Flood Control Act of 1946 (33 U.S.C. 701r):

21           (1) MIDDLE FORK GRAND RIVER, GENTRY  
22      COUNTY, MISSOURI.—Project for emergency  
23      streambank protection, Middle Fork Grand River,  
24      Gentry County, Missouri.

1 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

2       The Secretary shall conduct a study for each of the  
3 following projects and, if the Secretary determines that  
4 a project is feasible, may carry out the project under sec-  
5 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
6 577):

7           (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
8       SAS.—Project for navigation, Blytheville County  
9       Harbor, Arkansas.

10          (2) EVANSTON, ILLINOIS.—Project for naviga-  
11       tion, Evanston, Illinois.

12          (3) NIAGARA FRONTIER TRANSPORTATION AU-  
13       THORITY BOAT HARBOR, BUFFALO, NEW YORK.—  
14       Project for navigation, Niagara Frontier Transpor-  
15       tation Authority Boat Harbor, Buffalo, New York.

16          (4) WOODLAWN MARINA, LACKAWANNA, NEW  
17       YORK.—Project for navigation, Woodlawn Marina,  
18       Lackawanna, New York.

19          (5) BAKER BAY AND ILWACO HARBOR, WASH-  
20       INGTON.—Project for navigation, Baker Bay and  
21       Ilwaco Harbor, Washington.

22 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
23 **QUALITY OF THE ENVIRONMENT.**

24       The Secretary shall conduct a study for the following  
25 project and, if the Secretary determines that the project  
26 is appropriate, may carry out the project under section

1 1135 of the Water Resources Development Act of 1986  
2 (33 U.S.C. 2309a):

3 (1) SMITHVILLE LAKE, MISSOURI.—Project for  
4 improvement of the quality of the environment,  
5 Smithville Lake, Missouri.

6 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
7 **RESTORATION.**

8 The Secretary shall conduct a study for each of the  
9 following projects and, if the Secretary determines that  
10 a project is appropriate, may carry out the project under  
11 section 206 of the Water Resources Development Act of  
12 1996 (33 U.S.C. 2330):

13 (1) COLORADO RIVER, YUMA, ARIZONA.—  
14 Project for aquatic ecosystem restoration, Colorado  
15 River, Yuma, Arizona.

16 (2) CHINO VALLEY, CALIFORNIA.—Project for  
17 aquatic ecosystem restoration, Chino Valley, Cali-  
18 fornia.

19 (3) NEW AND ALAMO RIVERS, IMPERIAL COUN-  
20 TY, CALIFORNIA.—Project for aquatic ecosystem res-  
21 toration, New and Alamo Rivers, Imperial County,  
22 California, including efforts to address aquatic  
23 invasive plant species.

24 (4) SAN DIEGO RIVER, CALIFORNIA.—Project  
25 for aquatic ecosystem restoration, San Diego River,

1 California, including efforts to address aquatic  
2 invasive plant species.

3 (5) STOCKTON DEEP WATER SHIP CHANNEL  
4 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—  
5 Project for aquatic ecosystem restoration, Stockton  
6 Deep Water Ship Channel and lower San Joaquin  
7 River, California.

8 (6) SWEETWATER RESERVOIR, SAN DIEGO  
9 COUNTY, CALIFORNIA.—Project for aquatic eco-  
10 system restoration, Sweetwater Reservoir, San Diego  
11 County, California, including efforts to address  
12 aquatic invasive plant species.

13 (7) BISCAYNE BAY, FLORIDA.—Project for  
14 aquatic ecosystem restoration, Biscayne Bay, Key  
15 Biscayne, Florida.

16 (8) CHATTAHOOCHEE RIVER, COLUMBUS, GEOR-  
17 GIA, AND PHENIX CITY, ALABAMA.—Project for  
18 aquatic ecosystem restoration, City Mills Dam and  
19 Eagle and Phenix Dam, Chattahoochee River, Co-  
20 lumbus, Georgia, and Phenix City, Alabama.

21 (9) CHATTAHOOCHEE RIVER AND OCMULGEE  
22 RIVER BASINS, GEORGIA.—Project for aquatic eco-  
23 system restoration, Chattahoochee River and  
24 Ocmulgee River basins, Gwinnett County, Georgia.



1           (10) SNAKE RIVER, JEROME, IDAHO.—Project  
 2           for aquatic ecosystem restoration, Snake River, Je-  
 3           rome, Idaho.

4 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**  
 5 **TION.**

6           The Secretary shall conduct a study for the following  
 7 project and, if the Secretary determines that the project  
 8 is feasible, may carry out the project under section 3 of  
 9 the Act entitled “An Act authorizing Federal participation  
 10 in the cost of protecting the shores of publicly owned prop-  
 11 erty”, approved August 13, 1946 (33 U.S.C. 426g):

12           (1) NELSON LAGOON, ALASKA.—Project for  
 13 shoreline protection, Nelson Lagoon, Alaska.

14 **TITLE II—GENERAL PROVISIONS**

15 **SEC. 2001. ANNUAL PASSES FOR RECREATION.**

16           Section 208(c)(4) of the Water Resources Develop-  
 17 ment Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat.  
 18 3681; 113 Stat. 294) is amended by striking “the Decem-  
 19 ber 31, 2003” and inserting “December 31, 2004”.

20 **SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

21           Section 103 of the Water Resources Development Act  
 22 of 1986 (33 U.S.C. 2213) is amended by adding at the  
 23 end the following:

24           “(n) NON-FEDERAL CONTRIBUTIONS.—

1           “(1) PROHIBITION ON SOLICITATION OF EX-  
 2           CESS CONTRIBUTIONS.—The Secretary may not so-  
 3           licit contributions from non-Federal interests for  
 4           costs of constructing authorized water resources de-  
 5           velopment projects or measures in excess of the non-  
 6           Federal share assigned to the appropriate project  
 7           purposes listed in subsections (a), (b), and (c) or  
 8           condition Federal participation in such projects or  
 9           measures on the receipt of such contributions.

10           “(2) LIMITATION ON STATUTORY CONSTRUC-  
 11           TION.—Nothing in this subsection shall be construed  
 12           to affect the Secretary’s authority under section  
 13           903(c) of this Act.”.

14   **SEC. 2003. HARBOR COST SHARING.**

15           (a) PAYMENTS DURING CONSTRUCTION.—Section  
 16   101(a)(1) of the Water Resources Development Act of  
 17   1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended  
 18   in each of subparagraphs (B) and (C) by striking “45  
 19   feet” and inserting “53 feet”.

20           (b) OPERATION AND MAINTENANCE.—Section  
 21   101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended  
 22   by striking “45 feet” and inserting “53 feet”.

23           (c) DEFINITIONS.—Section 214 of such Act (33  
 24   U.S.C. 2241; 100 Stat. 4108) is amended in each of para-

1 graphs (1) and (3) by striking “45 feet” and inserting  
 2 “53 feet”.

3 (d) APPLICABILITY.—The amendments made by sub-  
 4 sections (a), (b), and (c) shall apply only to a project, or  
 5 separable element of a project, on which a contract for  
 6 physical construction has not been awarded before the  
 7 date of enactment of this Act.

8 **SEC. 2004. FUNDING TO PROCESS PERMITS.**

9 Section 214 of the Water Resources Development Act  
 10 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amend-  
 11 ed—

12 (1) in subsection (a) by striking “2003” and in-  
 13 serting “2005”; and

14 (2) by adding at the end of subsection (b) the  
 15 following: “The acceptance and expenditure of funds  
 16 under subsection (a) shall not affect the order in  
 17 which permits are considered or approved by the  
 18 Secretary.”.

19 **SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DE-**  
 20 **VELOPMENT AND DEMONSTRATION PRO-**  
 21 **GRAM.**

22 (a) EXTENSION OF PROGRAM.—Section 5(a) of the  
 23 Act entitled “An Act authorizing Federal participation in  
 24 the cost of protecting the shores of publicly owned prop-

erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking “6 years” and inserting “10 years”.

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years” and inserting “6 years”.

(c) COST-SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) COST SHARING.—The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

“(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended  
3 by striking “\$21,000,000” and inserting “\$31,000,000”.

4 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**  
5 **PROJECTS.**

6 (a) PARTNERSHIP AGREEMENTS.—Section 221 of  
7 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “under the provisions” and  
11 all that follows through “under any other” and  
12 inserting “under any”;

13 (B) by inserting “partnership” after “writ-  
14 ten”;

15 (C) by striking “Secretary of the Army to  
16 furnish its required cooperation for” and insert-  
17 ing “district engineer for the district in which  
18 the project will be carried out under which each  
19 party agrees to carry out its responsibilities and  
20 requirements for implementation or construc-  
21 tion of”; and

22 (D) by inserting after “\$25,000.” the fol-  
23 lowing: “Such agreement may include a provi-  
24 sion for liquidated damages in the event of a  
25 failure of one or more parties to perform.”;

1           (2) by redesignating subsection (e) as sub-  
2       section (f); and

3           (3) by inserting after subsection (d) the fol-  
4       lowing:

5       “(e) LIMITATION.—Nothing in subsection (a) shall be  
6       construed as limiting the authority of the Secretary to en-  
7       sure that partnership agreements meet all requirements  
8       of law.”.

9       (b) LOCAL COOPERATION.—Section 912(b) of the  
10      Water Resources Development Act of 1986 (101 Stat.  
11      4190) is amended—

12           (1) in paragraph (2)—

13                (A) by striking “shall” the first place it  
14                appears and inserting “may”; and

15                (B) by striking the last sentence; and

16           (2) in paragraph (4)—

17                (A) by inserting after “injunction, for” the  
18                following: “payment of liquidated damages or,  
19                for”;

20                (B) by striking “to collect a civil penalty  
21                imposed under this section,”; and

22                (C) by striking “any civil penalty imposed  
23                under this section,” and inserting “any liq-  
24                uidated damages,”.

1       (c) APPLICABILITY.—The amendments made by sub-  
2 sections (a) and (b) only apply to partnership agreements  
3 entered into after the date of enactment of this Act; except  
4 that at the request of a non-Federal interest for a project  
5 the district engineer for the district in which the project  
6 is located may amend a project partnership agreement en-  
7 tered into on or before such date and under which con-  
8 struction on the project has not been initiated as of such  
9 date of enactment for the purpose of incorporating such  
10 amendments.

11       (d) REFERENCES.—

12           (1) TO COOPERATION AGREEMENTS.—Any ref-  
13 erence in a law, regulation, document, or other  
14 paper of the United States to a cooperation agree-  
15 ment or project cooperation agreement shall be  
16 treated to be a reference to a partnership agreement  
17 or a project partnership agreement, respectively.

18           (2) TO PARTNERSHIP AGREEMENTS.—Any ref-  
19 erence to a partnership agreement or project part-  
20 nership agreement in this Act (other than this sec-  
21 tion) shall be treated as a reference to a cooperation  
22 agreement or a project cooperation agreement, re-  
23 spectively.

1 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**  
2 **AND REUSE.**

3 (a) IN GENERAL.—The Secretary may provide to  
4 State and local governments assessment, planning, and  
5 design assistance for remediation, environmental restora-  
6 tion, or reuse of areas located within the boundaries of  
7 such State or local governments where such remediation,  
8 environmental restoration, or reuse will contribute to the  
9 improvement of water quality or the conservation of water  
10 and related resources of drainage basins and watersheds  
11 within the United States.

12 (b) NON-FEDERAL SHARE.—The non-Federal share  
13 of the cost of assistance provided under subsection (a)  
14 shall be 50 percent.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$30,000,000 for each of fiscal years 2003 through 2007.

18 **SEC. 2008. COMPILATION OF LAWS.**

19 Within one year after the date of enactment of this  
20 Act, the laws of the United States relating to the improve-  
21 ment of rivers and harbors, flood control, beach erosion,  
22 and other water resources development enacted after No-  
23 vember 8, 1966, and before January 1, 2003, shall be  
24 compiled under the direction of the Secretary and the  
25 Chief of Engineers and printed for the use of the Depart-  
26 ment of the Army, Congress, and the general public. The



1 Secretary shall reprint the volumes containing such laws  
2 enacted before November 8, 1966. In addition, the Sec-  
3 retary shall include an index in each volume so compiled  
4 or reprinted. Not later than December 1, 2003, the Sec-  
5 retary shall transmit at least 25 copies of each such vol-  
6 ume to the Committee on Transportation and Infrastruc-  
7 ture of the House of Representatives and the Committee  
8 on Environment and Public Works of the Senate.

9 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

10 Section 217 of the Water Resources Development Act  
11 of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is  
12 amended—

13 (1) by redesignating subsection (c) as sub-  
14 section (d);

15 (2) by inserting after subsection (b) the fol-  
16 lowing:

17 “(c) GOVERNMENTAL PARTNERSHIPS.—

18 “(1) IN GENERAL.—The Secretary may enter  
19 into cost-sharing agreements with 1 or more non-  
20 Federal public interests with respect to a project, or  
21 group of projects within a geographic region if ap-  
22 propriate, for the acquisition, design, construction,  
23 management, or operation of a dredged material  
24 processing, treatment, or disposal facility (including  
25 any facility used to demonstrate potential beneficial

1 uses of dredged material) using funds provided in  
2 whole or in part by the Federal Government. One or  
3 more of the parties of the agreement may perform  
4 the acquisition, design, construction, management,  
5 or operation of a dredged material processing, treat-  
6 ment, or disposal facility. If appropriate, the Sec-  
7 retary may combine portions of separate construc-  
8 tion or maintenance appropriations from separate  
9 Federal projects with the appropriate combined cost-  
10 sharing between the various projects when the facil-  
11 ity serves to manage dredged material from multiple  
12 Federal projects located in the geographic region of  
13 the facility.

14 “(2) PUBLIC FINANCING.—

15 “(A) AGREEMENTS.—The agreement used  
16 shall clearly specify the Federal funding sources  
17 and combined cost-sharing when applicable to  
18 multiple Federal navigation projects and the re-  
19 sponsibilities and risks of each of the parties re-  
20 lated to present and future dredged material  
21 managed by the facility.

22 “(B) CREDIT.—Nothing in this subsection  
23 supersedes or modifies existing agreements be-  
24 tween the Federal Government and any non-  
25 Federal sponsors for the cost-sharing, construc-

1           tion, and operation and maintenance of Federal  
2           navigation projects. Subject to the approval of  
3           the Secretary and in accordance with existing  
4           laws, regulations, and policies, a non-Federal  
5           public sponsor of a Federal navigation project  
6           may seek credit for funds provided in the acqui-  
7           sition, design, construction, management, or op-  
8           eration of a dredged material processing, treat-  
9           ment, or disposal facility to the extent the facil-  
10          ity is used to manage dredged material from  
11          the Federal navigation project. The non-Federal  
12          sponsor shall be responsible for providing all  
13          necessary lands, easements, rights-of-way, or  
14          relocations associated with the facility and shall  
15          receive credit for these items.”; and

16          (3) in each of subsections (d)(1) and (d)(2)(A),  
17          as so redesignated, by inserting “processing, treat-  
18          ment, or” after “dredged material” the first place it  
19          appears.

20   **SEC. 2010. WETLANDS MITIGATION.**

21          In carrying out a water resources project that in-  
22          volves wetlands mitigation and that has impacts that occur  
23          within the service area of a mitigation bank, the Secretary,  
24          to the maximum extent practicable and where appropriate,  
25          shall give preference to the use of the mitigation bank if

1 the bank contains sufficient available credits to offset the  
2 impact and the bank is approved in accordance with the  
3 Federal Guidance for the Establishment, Use and Oper-  
4 ation of Mitigation Banks (60 Fed. Reg. 58605) or other  
5 applicable Federal law (including regulations).

6 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

7 (a) IN GENERAL.—In conducting a study of harbor  
8 and navigation improvements, the Secretary may rec-  
9 ommend a project without the need to demonstrate that  
10 the project is justified solely by national economic develop-  
11 ment benefits if the Secretary determines that—

12 (1)(A) the community to be served by the  
13 project is at least 70 miles from the nearest surface  
14 accessible commercial port and has no direct rail or  
15 highway link to another community served by a sur-  
16 face accessible port or harbor; or

17 (B) the project would be located in the Com-  
18 monwealth of Puerto Rico, Guam, the Common-  
19 wealth of the Northern Mariana Islands, or Amer-  
20 ican Samoa;

21 (2) the harbor is economically critical such that  
22 over 80 percent of the goods transported through  
23 the harbor would be consumed within the community  
24 served by the harbor and navigation improvement;  
25 and

1           (3) the long-term viability of the community  
2       would be threatened without the harbor and naviga-  
3       tion improvement.

4       (b) JUSTIFICATION.—In considering whether to rec-  
5       ommend a project under subsection (a), the Secretary  
6       shall consider the benefits of the project to—

7           (1) public health and safety of the local commu-  
8       nity, including access to facilities designed to protect  
9       public health and safety;

10          (2) access to natural resources for subsistence  
11       purposes;

12          (3) local and regional economic opportunities;

13          (4) welfare of the local population; and

14          (5) social and cultural value to the community.

15   **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

16       (a) IN GENERAL.—Section 204 of the Water Re-  
17       sources Development Act of 1992 (33 U.S.C. 2326) is  
18       amended by striking subsections (c) through (g) and in-  
19       serting the following:

20       “(c) IN GENERAL.—The Secretary may carry out  
21       projects to transport and place suitable material dredged  
22       in connection with the construction, operation, or mainte-  
23       nance of an authorized navigation project at locations se-  
24       lected by a non-Federal public entity for use in the con-  
25       struction, repair, or rehabilitation of projects determined

1 by the Secretary to be in the public interest and associated  
2 with navigation, flood damage reduction, hydroelectric  
3 power, municipal and industrial water supply, agricultural  
4 water supply, recreation, hurricane and storm damage re-  
5 duction, aquatic plant control, and environmental protec-  
6 tion and restoration.

7 “(d) COOPERATIVE AGREEMENT.—Any project un-  
8 dertaken pursuant to this section shall be initiated only  
9 after non-Federal interests have entered into an agree-  
10 ment with the Secretary in which the non-Federal inter-  
11 ests agree to pay the non-Federal share of the cost of con-  
12 struction of the project and 100 percent of the cost of  
13 operation, maintenance, replacement, and rehabilitation of  
14 the project in accordance with section 103 of the Water  
15 Resources Development Act of 1986 (33 U.S.C. 2213).

16 “(e) DETERMINATION OF CONSTRUCTION COSTS.—  
17 Costs associated with construction of a project under this  
18 section shall be limited solely to construction costs that  
19 are in excess of those costs necessary to carry out the  
20 dredging for construction, operation, or maintenance of  
21 the authorized navigation project in the most cost effective  
22 way, consistent with economic, engineering, and environ-  
23 mental criteria.

24 “(f) SELECTION OF DREDGED MATERIAL DISPOSAL  
25 METHOD.—In developing and carrying out a project for

1 navigation involving the disposal of dredged material, the  
2 Secretary may select, with the consent of the non-Federal  
3 interest, a disposal method that is not the least-cost option  
4 if the Secretary determines that the incremental costs of  
5 such disposal method are reasonable in relation to the en-  
6 vironmental benefits, including the benefits to the aquatic  
7 environment to be derived from the creation of wetlands  
8 and control of shoreline erosion. The Federal share of such  
9 incremental costs shall be determined in accordance with  
10 subsection (d).”.

11 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
12 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
13 1962d–5b), for any project carried out under this section,  
14 a non-Federal interest may include a nonprofit entity, with  
15 the consent of the affected local government.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated \$30,000,000 annually for  
18 projects under this section. Such sums shall remain avail-  
19 able until expended.

20 “(i) REGIONAL SEDIMENT MANAGEMENT PLAN-  
21 NING.—In consultation with appropriate State and Fed-  
22 eral agencies, the Secretary may develop, at Federal ex-  
23 pense, plans for regional management of material dredged  
24 in conjunction with the construction, operation, or mainte-  
25 nance of navigation projects, including potential beneficial

1 uses of dredged material for construction, repair, or reha-  
2 bilitation of public projects for navigation, flood damage  
3 reduction, hydroelectric power, municipal and industrial  
4 water supply, agricultural water supply, recreation, hurri-  
5 cane and storm damage reduction, aquatic plant control,  
6 and environmental protection and restoration.”.

7 (b) REPEAL.—

8 (1) IN GENERAL.—Section 145 of the Water  
9 Resources Development Act of 1976 (33 U.S.C.  
10 426j) is repealed.

11 (2) HOLD HARMLESS.—The repeal made by  
12 paragraph (1) shall not affect the authority of the  
13 Secretary to complete any project being carried out  
14 under such section 145 on the day before the date  
15 of enactment of this Act.

16 (c) PRIORITY AREAS.—In carrying out section 204  
17 of the Water Resources Development Act of 1992 (33  
18 U.S.C 2326), the Secretary shall give priority to a project  
19 for the beaches of Bogues Bank in the vicinity of More-  
20 head City, North Carolina, and a project in the vicinity  
21 of the Smith Point Park Pavilion and the TWA Flight  
22 800 Memorial, New York City, New York.



1 **SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN**  
2 **AREAS.**

3 Section 1156 of the Water Resources Development  
4 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended  
5 to read as follows:

6 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**  
7 **AREAS.**

8 “The Secretary shall waive local cost-sharing require-  
9 ments up to \$500,000 for all studies and projects in the  
10 Commonwealth of Puerto Rico, American Samoa, Guam,  
11 the Commonwealth of the Northern Mariana Islands, and  
12 the United States Virgin Islands, in Indian country (as  
13 defined in section 1151 of title 18, United States Code,  
14 and including lands that are within the jurisdictional area  
15 of an Oklahoma Indian tribe, as determined by the Sec-  
16 retary of the Interior, and are recognized by the Secretary  
17 of the Interior as eligible for trust land status under part  
18 151 of title 25, Code of Federal Regulations) or on land  
19 in the State of Alaska conveyed to an Alaska Native Vil-  
20 lage Corporation under the Alaska Native Claims Settle-  
21 ment Act (43 U.S.C. 1601 et seq.).”.

22 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**  
23 **MENT.**

24 Upon authorization by law of an increase in the max-  
25 imum amount of Federal funds that may be allocated for  
26 a project or an increase in the total cost of a project au-

1 thorized to be carried out by the Secretary, the Secretary  
2 shall revise the project partnership agreement for the  
3 project to take into account the change in Federal partici-  
4 pation in the project.

5 **SEC. 2015. COST SHARING.**

6 An increase in the maximum amount of Federal  
7 funds that may be allocated for a project or an increase  
8 in the total cost of a project authorized to be carried out  
9 by the Secretary shall not affect any cost sharing require-  
10 ment applicable to the project under title I of the Water  
11 Resources Development Act of 1986 (33 U.S.C. 2211 et  
12 seq.).

13 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**  
14 **NERSHIP AGREEMENT.**

15 If the Secretary is authorized to credit toward the  
16 non-Federal share the cost of work carried out by the non-  
17 Federal interest before the date of the partnership agree-  
18 ment for the project and such work has not been carried  
19 out as of the date of enactment of this Act, the Secretary  
20 shall enter into an agreement with the non-Federal inter-  
21 est for the project under which the non-Federal interest  
22 shall carry out such work, and the credit shall apply only  
23 to work carried out under the agreement.

1 **SEC. 2017. RECREATION USER FEE REVENUES.**

2 Section 225 of the Water Resources Development Act  
3 of 1999 (113 Stat. 297–298) is amended—

4 (1) in subsection (a)(1) by striking “During fis-  
5 cal years 1999 through 2002, the” and inserting  
6 “The”; and

7 (2) in subsection (a)(3) by striking “September  
8 30, 2005” and inserting “expended”.

9 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**  
10 **DAMAGE REDUCTION.**

11 The Secretary shall expedite any authorized planning,  
12 design, and construction of any project for flood damage  
13 reduction for an area that, within the preceding 5 years,  
14 has been subject to flooding that resulted in the loss of  
15 life and caused damage of sufficient severity and mag-  
16 nitude to warrant a declaration of a major disaster by the  
17 President under the Robert T. Stafford Disaster and  
18 Emergency Relief Act (42 U.S.C. 5121 et seq.).

19 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

20 (a) IN GENERAL.—Section 729 of the Water Re-  
21 sources Development Act of 1986 (33 U.S.C. 2267a; 114  
22 Stat. 2587–2588; 100 Stat. 4164) is amended—

23 (1) by striking paragraph (1) of subsection (f)  
24 and inserting the following:

25 “(1) NON-FEDERAL SHARE.—The non-Federal  
26 share of the costs of an assessment carried out

1 under this section on or after December 11, 2000,  
 2 shall be 25 percent.”; and

3 (2) by striking subsection (g).

4 (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
 5 Secretary shall revise the partnership agreement for any  
 6 assessment being carried out under such section 729 to  
 7 take into account the change in non-Federal participation  
 8 in the assessment as a result of the amendments made  
 9 by subsection (a).

10 **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

11 Section 203(b)(1)(B) of the Water Resources Devel-  
 12 opment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat.  
 13 2589) is amended by inserting after “Code” the following  
 14 “, and including lands that are within the jurisdictional  
 15 area of an Oklahoma Indian tribe, as determined by the  
 16 Secretary of the Interior, and are recognized by the Sec-  
 17 retary of the Interior as eligible for trust land status under  
 18 part 151 of title 25, Code of Federal Regulations”.

19 **SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELE-**  
 20 **MENTS.**

21 (a) IN GENERAL.—If, in carrying out a water re-  
 22 sources project, the Secretary identifies a separable ele-  
 23 ment that would advance a primary mission of the Corps  
 24 of Engineers, with benefits that could be achieved more  
 25 cost-effectively if carried out in conjunction with the

1 project, the Secretary, in consultation with the non-Fed-  
 2 eral interest, may carry out such separable element at  
 3 Federal expense if the cost of such separable element does  
 4 not exceed 3 percent of the Federal project cost and does  
 5 not exceed \$1,000,000.

6 (b) OPERATION AND MAINTENANCE.—Operation and  
 7 maintenance of work carried out under this section shall  
 8 be a non-Federal responsibility.

9 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
 10 Nothing in this section shall be construed to increase the  
 11 amount authorized to be appropriated for a project beyond  
 12 that amount authorized by law or to provide a separate  
 13 authorization of appropriations.

14 **SEC. 2022. PROSECUTION OF WORK.**

15 Section 10 of the Rivers and Harbors Act of Sep-  
 16 tember 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is  
 17 amended by inserting after “harbors” the following: “, in-  
 18 cluding any planning, engineering, design, construction,  
 19 operation, and maintenance,”.

20 **SEC. 2023. WILDFIRE FIREFIGHTING.**

21 Section 309 of Public Law 102–154 (42 U.S.C.  
 22 1856a-1; 105 Stat. 1034) is amended by inserting “the  
 23 Secretary of the Army,” after “the Secretary of Energy,”.

1 **SEC. 2024. CREDIT FOR NON-CONSTRUCTION SERVICES.**

2 (a) IN GENERAL.—The Secretary is authorized to  
3 allow a non-Federal interest credit toward its share of  
4 project costs for any authorized water resources develop-  
5 ment project for the cost of materials and in-kind services,  
6 including design and management services but not includ-  
7 ing construction, provided by the non-Federal interest for  
8 implementation of the project.

9 (b) LIMITATION.—Credit authorized under sub-  
10 section (a)—

11 (1) shall not exceed the non-Federal share of  
12 project costs;

13 (2) shall not alter any other requirements that  
14 require a non-Federal interest to provide lands, ease-  
15 ments, rights-of-way, and dredged material disposal  
16 areas for the project;

17 (3) shall not exceed the actual and reasonable  
18 costs of the materials or in-kind services provided by  
19 the non-Federal interest, as determined by the Sec-  
20 retary; and

21 (4) shall not be allowed unless the Secretary  
22 has determined that such materials or services are  
23 compatible with and necessary for the project.

24 **SEC. 2025. TECHNICAL ASSISTANCE.**

25 Section 22 of Water Resources Development Act of  
26 1974 (42 U.S.C. 1962d–16) is amended—

1           (1) in subsection (a) by striking “The Sec-  
2       retary” and inserting the following:

3       “(a) FEDERAL STATE COOPERATION.—

4           “(1) COMPREHENSIVE PLANS.—The Sec-  
5       retary”.

6           (2) by inserting after the last sentence in sub-  
7       section (a) the following:

8       “(2) TECHNICAL ASSISTANCE.—

9           “(A) IN GENERAL.—At the request of  
10       a governmental agency or non-Federal in-  
11       terest, the Secretary may provide, at Fed-  
12       eral expense, technical assistance to such  
13       agency or non-Federal interest in man-  
14       aging water resources.

15       “(B) TYPES OF ASSISTANCE.—Tech-  
16       nical assistance under this paragraph may  
17       include provision and integration of hydro-  
18       logic, economic, and environmental data  
19       and analyses.”

20       (3) in subsection (b)(1) by striking “this sec-  
21       tion” each place it appears and inserting “subsection  
22       (a)(1)”;

23       (4) in subsection (c) by striking “There is” and  
24       inserting the following:

25       “(c) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) FEDERAL AND STATE COOPERATION.—  
2 There is”;

3 (5) in subsection (c) strike “the provisions of  
4 this section” and insert “subsection (a)(1);” and

5 (6) by inserting at the end of subsection (c) the  
6 following:

7 “(2) TECHNICAL ASSISTANCE.—There is au-  
8 thorized to be appropriated \$2,000,000 annually to  
9 carry out subsection (a)(2).”.

10 **SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPER-**  
11 **TISE.**

12 (a) ESTABLISHMENT.—The Secretary is authorized  
13 to establish centers to provide specialized planning exper-  
14 tise for water resources projects to be carried out by the  
15 Secretary to enhance and supplement the capabilities of  
16 the districts of the Army Corps of Engineers.

17 (b) DUTIES.—A center of expertise shall have the fol-  
18 lowing duties:

19 (1) Providing technical and managerial assist-  
20 ance to district engineers for project planning, devel-  
21 opment, and implementation.

22 (2) Providing peer reviews of new major sci-  
23 entific, engineering, or economic methods, models or  
24 analyses that will be used to support decisions of the  
25 Secretary with respect to feasibility studies.



1           (3) Providing support for external peer review  
2           panels convened by the Secretary.

3           (4) Performing such other duties as prescribed  
4           by the Secretary.

5   **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**  
6                           **STATE, AND LOCAL ACTIONS.**

7           (a) NOTICE OF INTENT.—Upon request of the non-  
8   Federal interest in the form of a written notice of intent  
9   to construct or modify a non-Federal water supply, waste-  
10   water infrastructure, flood damage reduction, environ-  
11   mental restoration, or navigation project that requires the  
12   approval of the Secretary, the Secretary shall initiate, sub-  
13   ject to subsection (h)(1), procedures to establish a sched-  
14   ule for consolidating Federal, State, and local agency envi-  
15   ronmental assessments, project reviews, and issuance of  
16   all permits for the construction or modification of the  
17   project. The non-Federal interest shall submit to the Sec-  
18   retary, with the notice of intent, studies and documenta-  
19   tion, including environmental reviews, that may be re-  
20   quired by Federal law for decisionmaking on the proposed  
21   project. All States having jurisdiction over the proposed  
22   project shall be invited by the Secretary, but shall not be  
23   required, to participate in carrying out this section with  
24   respect to the project.

1       (b) PROCEDURAL REQUIREMENTS.—Within 15 days  
2 after receipt of notice under subsection (a), the Secretary  
3 shall publish such notice in the Federal Register. The Sec-  
4 retary also shall provide written notification of the receipt  
5 of a notice under subsection (a) to all State and local  
6 agencies that may be required to issue permits for the con-  
7 struction of the project or related activities. The Secretary  
8 shall solicit the cooperation of those agencies and request  
9 their entry into a memorandum of agreement described  
10 in subsection (c) with respect to the project. Within 30  
11 days after publication of the notice in the Federal Reg-  
12 ister, State and local agencies that intend to enter into  
13 the memorandum of agreement with respect to the project  
14 shall notify the Secretary of their intent in writing.

15       (c) SCHEDULING AGREEMENT.—Within 90 days  
16 after the date of receipt of notice under subsection (a)  
17 with respect to a project, the Secretary of the Interior,  
18 the Secretary of Commerce, and the Administrator of the  
19 Environmental Protection Agency, as necessary, and any  
20 State or local agencies that have notified the Secretary  
21 under subsection (b) shall enter into an agreement with  
22 the Secretary establishing a schedule of decisionmaking  
23 for approval of the project and permits associated with  
24 the project and with related activities. Such schedule may

1 not extent beyond the last day of the 18-month period be-  
2 ginning on the date of the agreement.

3 (d) CONTENTS OF AGREEMENT.—An agreement en-  
4 tered into under subsection (c) with respect to a project,  
5 to the extent practicable, shall consolidate hearing and  
6 comment periods, procedures for data collection and re-  
7 port preparation, and the environmental review and per-  
8 mitting processes associated with the project and related  
9 activities. The agreement shall detail, to the extent pos-  
10 sible, the non-Federal interest’s responsibilities for data  
11 development and information that may be necessary to  
12 process each permit required for the project, including a  
13 schedule when the information and data will be provided  
14 to the appropriate Federal, State, or local agency.

15 (e) PRELIMINARY DECISION.—An agreement entered  
16 into under subsection (c) with respect to a project shall  
17 include a date by which the Secretary of the Army, taking  
18 into consideration the views of all affected Federal agen-  
19 cies, shall provide to the project sponsor, in writing, a pre-  
20 liminary determination whether the project and Federal  
21 permits associated with it are reasonably likely to receive  
22 approval.

23 (f) REVISION OF AGREEMENT.—The Secretary of the  
24 Army may revise an agreement entered into under sub-  
25 section (c) with respect to a project once to extend the

1 schedule to allow the non-Federal interest the minimum  
2 amount of additional time necessary to revise its original  
3 application to meet the objections of a Federal, State, or  
4 local agency that is a party to the agreement.

5 (g) FINAL DECISION.—Not later than the final day  
6 of a schedule established by an agreement entered into  
7 under subsection (c) with respect to a project, the Sec-  
8 retary of the Army shall notify the non-Federal interest  
9 of the final decision on the project and whether the permit  
10 or permits have been issued.

11 (h) REIMBURSEMENT.—

12 (1) COSTS OF COORDINATION.—The costs in-  
13 curred by the Secretary of the Army to establish and  
14 carry out a schedule to consolidate Federal, State,  
15 and local agency environmental assessments, project  
16 reviews, and permit issuance for a project under this  
17 section shall be paid by the non-Federal interest.

18 (2) COSTS INCURRED TO EXPEDITE PERMITS  
19 AND REVIEWS.—

20 (A) ACCEPTANCE OF NON-FEDERAL  
21 FUNDS.—The Secretary may accept funds from  
22 the non-Federal interest to hire additional staff  
23 or obtain the services of consultants, or to pro-  
24 vide financial, technical, and administrative  
25 support to agencies that have entered into an

1 agreement with the Secretary under subsection  
2 (c) with respect to a project in order to facili-  
3 tate the timely processing, review, and comple-  
4 tion of applicable Federal, State, and local  
5 agency environmental assessments, project re-  
6 views, and permits for the project.

7 (B) USE OF FUNDS.—Funds accepted  
8 under this paragraph shall be used to supple-  
9 ment existing resources of the Secretary or a  
10 participating agency.

11 (C) ASSURANCE OF LEVEL OF SERVICE  
12 AND IMPARTIALITY.—The Secretary shall en-  
13 sure that the Department of the Army and any  
14 participating agency that accepts funds under  
15 this paragraph shall continue to provide the  
16 same level of service to other projects and other  
17 responsibilities not covered by this section as it  
18 would provide notwithstanding any activities  
19 carried out under this section and that accept-  
20 ance of such funds will not impact impartial de-  
21 cisionmaking either substantively or proce-  
22 durally.

23 (i) REPORT ON TIMESAVINGS METHODS.—Not later  
24 than 3 years after the date of enactment of this section,  
25 the Secretary of the Army shall prepare and transmit to

1 Congress a report estimating the time required for the  
2 issuance of all Federal, State, and local permits for the  
3 construction of non-Federal projects for water supply,  
4 wastewater infrastructure, flood damage reduction, envi-  
5 ronmental restoration, and navigation. The Secretary shall  
6 include in that report recommendations for further reduc-  
7 ing the amount of time required for the issuance of those  
8 permits, including any proposed changes in existing law.

9 **SEC. 2028. PROJECT STREAMLINING.**

10 (a) SCOPE.—This subsection shall apply to each  
11 study initiated after the date of enactment of this Act to  
12 develop a feasibility report under section 905 of the Water  
13 Resources Development Act of 1986 (33 U.S.C. 2282), or  
14 a general reevaluation report, for a water resources project  
15 if the Secretary determines that such study requires an  
16 environmental impact statement under the National Envi-  
17 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

18 (b) POLICY.—The benefits of water resources  
19 projects are important to the nation’s economy and rec-  
20 ommendations to Congress regarding such projects should  
21 not be delayed due to uncoordinated and sequential envi-  
22 ronmental reviews or the failure to timely resolve disputes  
23 during the development of water resources projects.

24 (c) DUTY OF THE SECRETARY.—To carry out the  
25 policy in subsection (b), the Secretary shall use all authori-

1 ties available under law to coordinate and expedite the en-  
2 vironmental reviews of a project that is subject to a study  
3 to which this subsection applies and to ensure timely reso-  
4 lution of disputes.

5 (d) AUTHORITIES.—The authorities referred to in  
6 subsection (c) include all authorities available to the Army  
7 Corps of Engineers as the lead Federal agency responsible  
8 for preparing an environmental impact statement under  
9 the National Environmental Policy Act of 1969 for a pro-  
10 posed water resources project, including authorities that  
11 provide for—

12 (1) identifying Federal, State, and local agen-  
13 cies and Indian tribes with jurisdiction over the  
14 project by law;

15 (2) inviting jurisdictional agencies and Indian  
16 tribes to be cooperating agencies;

17 (3) establishing and implementing a schedule  
18 for completing all reviews, analyses, and opinions,  
19 and any permits, licenses or approvals;

20 (4) entering into a memorandum of under-  
21 standing with cooperating agencies;

22 (5) specifying the purpose of and need for the  
23 project;

1           (6) determining which alternatives are reason-  
2           able and should be carried forward for detailed anal-  
3           ysis;

4           (7) eliminating duplication with other Federal,  
5           State, local, and Tribal requirements; and

6           (8) ensuring early resolution of disputes.

7           (e) IDENTIFICATION OF JURISDICTIONAL AGEN-  
8           CIES.— The Secretary shall determine, as soon as prac-  
9           ticable, which Federal, State, and local agencies and In-  
10          dian tribes may reasonably be expected to have jurisdic-  
11          tion over environmental-related matters that may be af-  
12          fected by a proposed water resources project that is sub-  
13          ject to a study to which this section applies or may be  
14          required by law to conduct an environmental-related re-  
15          view or analysis of, or opinion on, the project or determine  
16          whether to issue an environmental-related permit, license,  
17          or approval for the project.

18          (f) COOPERATING AGENCIES.—The Secretary shall  
19          request all agencies identified under subsection (e) with  
20          respect to a study to be cooperating agencies in the NEPA  
21          process for the study. Upon receipt of a request from the  
22          Secretary, a Federal agency shall be a cooperating agency.  
23          Upon acceptance of a request from the Secretary, a State  
24          or local agency or an Indian tribe may be a cooperating



1 agency in the NEPA process for the study to the extent  
2 permitted by State, local, or Tribal law.

3 (g) SCHEDULE.—In consultation with cooperating  
4 agencies in the NEPA process for a study, the Secretary  
5 shall establish a schedule for completing the study and its  
6 associated NEPA process, including any related permits,  
7 approvals, opinions, reviews, or studies required for the  
8 proposed water resources project under other Federal,  
9 State, local, and Tribal laws. The study schedule shall in-  
10 clude opportunities for comment and deadlines for cooper-  
11 ating agencies and shall not reduce any period of time or  
12 opportunity for comment established by law.

13 (h) EFFECT OF FAILURE TO MEET DEADLINES.—

14 (1) NOTICE.—If the Secretary determines that  
15 a cooperating agency has not met a deadline estab-  
16 lished under subsection (i) or is not otherwise meet-  
17 ing its responsibility as a cooperating agency, the  
18 Secretary shall notify, within 30 days of the date of  
19 such determination, the head of the Federal or Trib-  
20 al agency or, in any case in which the cooperating  
21 agency is a State agency or local agency of a State,  
22 the Governor of the State.

23 (2) AGENCY REPORT.—Not later than 30 days  
24 after date of receipt of a notice under paragraph (1),  
25 the cooperating agency shall submit a report to the

1 Secretary explaining the reasons for delay or lack of  
2 cooperation and what remedial actions the agency  
3 intends to take with respect to the delay or lack of  
4 cooperation.

5 (3) NOTIFICATION OF CEQ AND COMMITTEES.—

6 If the Secretary determines that a cooperating agen-  
7 cy has not satisfactorily addressed the problems that  
8 are the subject of a notification under paragraph (1)  
9 within a reasonable period of time following the date  
10 of the notification, the Secretary shall notify the  
11 Committee on Transportation and Infrastructure of  
12 the House of Representatives, the Committee on En-  
13 vironment and Public Works of the Senate, and the  
14 Council on Environmental Quality.

15 (4) RECORD CLOSURE.—At the completion of  
16 all comment periods established by law and under  
17 subsection (g) with respect to a study and its associ-  
18 ated NEPA process, the Secretary shall close the  
19 record for the study. Information submitted, after  
20 the record has closed, by a cooperating agency that  
21 does not provide comment during any comment pe-  
22 riod and that otherwise fails to meet its responsibil-  
23 ities as a cooperating agency shall not be considered  
24 significant new information for purposes of the  
25 study and NEPA process.

1 (i) MEMORANDUM OF UNDERSTANDING.—The Sec-  
2 retary and cooperating agencies with respect to a study  
3 and its associated NEPA process shall enter into a memo-  
4 randum of understanding incorporating the responsibil-  
5 ities of all parties under this subsection with respect to  
6 the study.

7 (j) PURPOSE AND NEED AND DETERMINATION OF  
8 REASONABLE ALTERNATIVES.—

9 (1) IN GENERAL.—As an official of the lead  
10 Federal agency that is responsible for carrying out  
11 a study to which this subsection applies and its asso-  
12 ciated NEPA process and as the Federal agency  
13 with expertise in water resources development, the  
14 Secretary shall—

15 (A) define the purpose and need for the  
16 proposed water resources project, and

17 (B) determine which alternatives are rea-  
18 sonable and may be reasonably anticipated to  
19 meet project purposes and needs.

20 (2) STREAMLINING STUDY.—To streamline a  
21 study to which this subsection applies and its associ-  
22 ated NEPA process, the Secretary may eliminate  
23 from consideration any alternatives the Secretary de-  
24 termines are not reasonable or are not reasonably  
25 anticipated to meet project purposes and needs.

1 (k) SINGLE ENVIRONMENTAL REVIEW PROCESS.—

2 (1) RECORD.—To eliminate duplication with  
3 other Federal, State, local and tribal requirements,  
4 the NEPA process and the environmental impact  
5 statement and study report for a proposed water re-  
6 sources project prepared by the Secretary shall form  
7 the record and basis for all environmental-related re-  
8 views or analyses of, or opinions on, the project or  
9 determinations whether to issue an environmental-  
10 related permit, license, or approval for the project of  
11 all cooperating agencies, to the extent permitted by  
12 law.

13 (2) BINDING EFFECT.—

14 (A) IN GENERAL.—For any environmental  
15 review, analysis, opinion, permit, license, or ap-  
16 proval that must be issued or made by a co-  
17 operating agency and that requires an analysis  
18 of purpose and need for the project or consider-  
19 ation of alternatives, the cooperating agency,  
20 notwithstanding any other provision of law,  
21 shall be bound by the project purpose and need  
22 as defined by the Secretary and shall consider  
23 only those alternatives to the project that the  
24 Secretary has determined are reasonable.

1 (B) LIMITATION ON STATUTORY CON-  
2 STRUCTION.—This paragraph shall not be con-  
3 strued as affecting a cooperating agency’s abil-  
4 ity to submit comments in the NEPA process  
5 referred to in paragraph (1).

6 (l) LIMITATIONS ON ACTIONS AND VENUE.—A claim  
7 arising under Federal law seeking judicial review of a final  
8 feasibility report, general reevaluation report, or record of  
9 decision for a water resources project to be carried out  
10 by the Secretary shall be barred unless it is filed in the  
11 United States Court of Appeals for the District of Colum-  
12 bia Circuit or in the court of appeals of the United States  
13 for the circuit in which the project is located, within 90  
14 days after the report or record of decision is final. Nothing  
15 in this subsection shall create a right to judicial review.

16 (m) BENCHMARKS.—Within 12 months of the date  
17 of enactment of this Act, the Chief of Engineers shall es-  
18 tablish benchmarks for determining the length of time it  
19 should take to conduct a feasibility study for a water re-  
20 sources development project and its associated NEPA  
21 process. Benchmarks may be established for activities  
22 based on size, cost, and complexity. The Chief of Engi-  
23 neers shall use such benchmarks as a management tool  
24 to make the feasibility study process more efficient at all  
25 districts of the Army Corps of Engineers.

1 (n) NEPA PROCESS DEFINED.—In this section, the  
2 term “NEPA process” means the process for meeting the  
3 requirements of the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.).

## 5 **TITLE III—PROJECT-RELATED** 6 **PROVISIONS**

### 7 **SEC. 3001. COOK INLET, ANCHORAGE HARBOR, ALASKA.**

8 The project for navigation improvements, Cook Inlet,  
9 Alaska (Anchorage Harbor, Alaska), authorized by section  
10 101 of the River and Harbor Act of 1958 (72 Stat. 299)  
11 and modified by section 199 of the Water Resources De-  
12 velopment Act of 1976 (90 Stat. 2944), is further modi-  
13 fied to authorize the Secretary to establish a harbor depth  
14 of 45 feet for a length of 5,000 feet at the Port of Anchor-  
15 age marine facility, at a total cost of \$14,500,000. Federal  
16 maintenance shall be in accordance with such section 101;  
17 except that the project shall be maintained at a depth of  
18 45 feet for such 5,000 feet.

### 19 **SEC. 3002. KING COVE HARBOR, ALASKA.**

20 The maximum amount of Federal funds that may be  
21 expended for the project for navigation, King Cove Har-  
22 bor, Alaska, being carried out under section 107 of the  
23 River Harbor Act of 1960 (33 U.S.C. 577), shall be  
24 \$8,000,000.

1 **SEC. 3003. ST. PAUL HARBOR, ALASKA.**

2 (a) IN GENERAL.—The project for navigation, St.  
3 Paul Harbor, Alaska, authorized by section 101(b)(3) of  
4 the Water Resources Development Act of 1996 (110 Stat.  
5 3667) and modified by section 303 of the Water Resources  
6 Development Act of 1999 (113 Stat. 298–299), is further  
7 modified to direct the Secretary to construct the project,  
8 at a total cost of \$65,000,000.

9 (b) LIMITATION ON NON-FEDERAL SHARE.—The  
10 non-Federal share for the project shall not exceed  
11 \$14,400,000.

12 **SEC. 3004. SITKA, ALASKA.**

13 The Thompson Harbor, Sitka, Alaska, element of the  
14 project for navigation Southeast Alaska Harbors of Ref-  
15 uge, Alaska, authorized by section 101 of the Water Re-  
16 sources Development Act of 1992 (106 Stat. 4801), is  
17 modified to direct the Secretary to take such action as  
18 may be necessary to correct design deficiencies in such ele-  
19 ment, at a Federal expense of \$6,300,000.

20 **SEC. 3005. TATILEK, ALASKA.**

21 The maximum amount of Federal funds that may be  
22 expended for the project for navigation, Tatilek, Alaska,  
23 being carried out under section 107 of the River and Har-  
24 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

1 **SEC. 3006. AMERICAN AND SACRAMENTO RIVERS, CALI-**  
2 **FORNIA.**

3 The project for flood damage reduction, American  
4 and Sacramento Rivers, California, authorized by section  
5 101(a)(1) of the Water Resources Development Act of  
6 1996 (110 Stat. 3662–3663) and modified by section 366  
7 of the Water Resources Development Act of 1999 (113  
8 Stat. 319–320), is further modified to direct the Secretary  
9 to carry out the project, at a total cost of \$205,000,000.

10 **SEC. 3007. CACHE CREEK BASIN, CALIFORNIA.**

11 The project for flood control, Cache Creek Basin,  
12 California, authorized by section 401(a) of the Water Re-  
13 sources Development Act of 1986 (100 Stat. 4112), is  
14 modified to direct the Secretary to mitigate the impacts  
15 of the new south levee of the Cache Creek settling basin  
16 on the city of Woodland’s storm drainage system, includ-  
17 ing all appurtenant features, erosion control measures,  
18 and environmental protection features. Such mitigation  
19 shall restore the city’s preproject capacity (1,360 cubic  
20 feet per second) to release water to the Yolo Bypass, in-  
21 cluding channel improvements, an outlet work through the  
22 west levee of the Yolo Bypass, and a new low-flow cross  
23 channel to handle city and county storm drainage and set-  
24 tling basin flows (1,760 cubic feet per second) when the  
25 Yolo Bypass is in a low flow condition.



1 **SEC. 3008. GRAYSON CREEK/MURDERER'S CREEK, CALI-**  
2 **FORNIA.**

3       The project for aquatic ecosystem restoration, Gray-  
4 son Creek/Murderer's Creek, California, being carried out  
5 under section 206 of the Water Resources Development  
6 Act of 1996 (33 U.S.C. 2330), is modified to direct the  
7 Secretary to credit toward the non-Federal share of the  
8 cost of the project the cost of work carried out by the  
9 non-Federal interest before the date of the partnership  
10 agreement for the project if the Secretary determines that  
11 the work is integral to the project and to authorize the  
12 Secretary to consider national ecosystem restoration bene-  
13 fits in determining the Federal interest in the project.

14 **SEC. 3009. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
15 **TON SHIP CHANNEL, CALIFORNIA.**

16       The project for navigation, San Francisco to Stock-  
17 ton, California, authorized by section 301 of the River and  
18 Harbor Act of 1965 (79 Stat. 1091) is modified—

19           (1) to provide that the non-Federal share of the  
20 cost of the John F. Baldwin Ship Channel and  
21 Stockton Ship Channel element of the project may  
22 be provided in the form of in-kind services and ma-  
23 terials; and

24           (2) to direct the Secretary to credit toward the  
25 non-Federal share of the cost of such element the  
26 cost of planning and design work carried out by the

1 non-Federal interest before the date of an agreement  
2 for such planning and design if the Secretary deter-  
3 mines that such work is integral to such element.

4 **SEC. 3010. LOS ANGELES HARBOR, LOS ANGELES, CALI-**  
5 **FORNIA.**

6 The project for navigation, Los Angeles Harbor, Los  
7 Angeles, California, authorized by section 101(b)(5) of the  
8 Water Resources Development Act of 2000 (114 Stat.  
9 2577), is modified to direct the Secretary to credit toward  
10 the non-Federal share of the cost of the project the cost  
11 of the planning, design, and construction work carried out  
12 by the non-Federal interest before the date of the partner-  
13 ship agreement for the project if the Secretary determines  
14 the work is integral to the project.

15 **SEC. 3011. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
16 **FORNIA.**

17 The project for navigation, Larkspur Ferry Channel,  
18 Larkspur, California, authorized by section 601(d) of the  
19 Water Resources Development Act of 1986 (100 Stat.  
20 4148), is modified to direct the Secretary to prepare a  
21 limited reevaluation report to determine whether mainte-  
22 nance of the project is feasible. If the Secretary deter-  
23 mines that maintenance of the project is feasible, the Sec-  
24 retary shall carry out the maintenance.

1 **SEC. 3012. NAPA RIVER SALT MARSH RESTORATION, NAPA**  
2 **RIVER, CALIFORNIA.**

3 In carrying out the feasibility study for the project  
4 for aquatic ecosystem restoration, Napa River Salt Marsh  
5 Restoration, Napa and Sonoma Counties, California, the  
6 Secretary shall determine whether work carried out by the  
7 non-Federal interest is integral to the project. In any case  
8 in which the work is determined to be integral to the  
9 project before completion of the final report of the Chief  
10 of Engineers on the project, such work shall be included  
11 as part of the project, and the cost of such work shall  
12 be recommended in the final report for credit toward the  
13 non-Federal share of the cost of the project. Work carried  
14 out after submission of the final report and before the date  
15 of the partnership agreement for the project that is deter-  
16 mined to be integral to the project shall be considered as  
17 part of the project, and the cost of such work shall be  
18 credited toward the non-Federal share of the cost of the  
19 project.

20 **SEC. 3013. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
21 **FORNIA.**

22 The project for aquatic ecosystem restoration, Pacific  
23 Flyway Center, Sacramento, California, being carried out  
24 under section 206 of the Water Resources Development  
25 Act of 1996 (33 U.S.C. 2330), is modified to authorize

1 the Secretary to expend \$1,000,000 to enhance public ac-  
2 cess to the project.

3 **SEC. 3014. PINOLE CREEK, CALIFORNIA.**

4 The project for improvement of the quality of the en-  
5 vironment, Pinole Creek Phase I, California, being carried  
6 out under section 1135 of the Water Resources Develop-  
7 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct  
8 the Secretary to credit toward the non-Federal share of  
9 the cost of the project the cost of work carried out by  
10 the non-Federal interest before the date of the partnership  
11 agreement for the project if the Secretary determines that  
12 the work is integral to the project.

13 **SEC. 3015. PRADO DAM, CALIFORNIA.**

14 Upon completion of the modifications to the Prado  
15 Dam element of the project for flood control, Santa Ana  
16 River Mainstem, California, authorized by section 401(a)  
17 of the Water Resources Development Act of 1986 (100  
18 Stat. 4113), the Memorandum of Agreement for the Oper-  
19 ation for Prado Dam for Seasonal Additional Water Con-  
20 servation between the Department of the Army and the  
21 Orange County Water District (including all the condi-  
22 tions and stipulations in the memorandum) shall remain  
23 in effect for volumes of water made available prior to such  
24 modifications.

1 **SEC. 3016. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
2 **CALIFORNIA.**

3 The project for navigation, Sacramento Deep Water  
4 Ship Channel, California, authorized by section 202(a) of  
5 the Water Resources Development Act of 1986 (100 Stat.  
6 4092), is modified to direct the Secretary to credit toward  
7 the non-Federal share of the cost of the project the cost  
8 of planning and design work carried out by the non-Fed-  
9 eral interest before the date of the partnership agreement  
10 for the project if the Secretary determines that the work  
11 is integral to the project.

12 **SEC. 3017. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
13 **FORNIA.**

14 The project for flood control, Sacramento River, Cali-  
15 fornia, authorized by section 2 of the Act entitled “An Act  
16 to provide for the control of the floods of the Mississippi  
17 River and of the Sacramento River, California, and for  
18 other purposes”, approved March 1, 1917 (39 Stat. 949),  
19 and modified by section 102 of the Energy and Water De-  
20 velopment Appropriations Act, 1990 (103 Stat. 649), sec-  
21 tion 301(b)(3) of the Water Resources Development Act  
22 of 1996 (110 Stat. 3110), title I of the Energy and Water  
23 Development Appropriations Act, 1999 (112 Stat. 1841),  
24 and section 305 of the Water Resources Development Act  
25 of 1999 (113 Stat. 299), is further modified to direct the  
26 Secretary to credit the non-Federal interest up to

1 \$4,000,000 toward the non-Federal share of the cost of  
2 the project for costs incurred by the non-Federal interest  
3 in carrying out activities (including the provision of lands,  
4 easements, rights-of-way, relocations, and dredged mate-  
5 rial disposal areas) associated with environmental compli-  
6 ance for the project if the Secretary determines that the  
7 activities are integral to the project.

8 **SEC. 3018. SAN LORENZO RIVER, CALIFORNIA.**

9       The project for flood control, San Lorenzo River,  
10 California, authorized by section 101(a)(5) of the Water  
11 Resources Development Act of 1996 (110 Stat. 3663), is  
12 modified to direct the Secretary to credit not more than  
13 \$2,000,000 toward the non-Federal share of the cost of  
14 the project for the cost of the work carried out by the  
15 non-Federal interest before the date of the partnership  
16 agreement for the project if the Secretary determines the  
17 work is integral to the project.

18 **SEC. 3019. UPPER GUADALUPE RIVER, CALIFORNIA.**

19       The project for flood damage reduction and recre-  
20 ation, Upper Guadalupe River, California, described as the  
21 Bypass Channel Plan of the Chief of Engineers dated Au-  
22 gust 19, 1998, authorized by section 101(a)(9) of the  
23 Water Resources Development Act of 1999 (113 Stat.  
24 275), is modified to authorize the Secretary to construct  
25 the project, at a total cost of \$140,328,000, with an esti-

1 mated Federal cost of \$70,164,000, and an estimated non-  
2 Federal cost of \$70,164,000. The non-Federal share of  
3 the cost of the project shall be subject to section 103(a)(3)  
4 of the Water Resources Development Act of 1986 (33  
5 U.S.C. 2213(a)(3)).

6 **SEC. 3020. WALNUT CREEK CHANNEL, CALIFORNIA.**

7       The project for aquatic ecosystem restoration, Wal-  
8 nut Creek Channel, California, being carried out under  
9 section 206 of the Water Resources Development Act of  
10 1996 (33 U.S.C. 2330), is modified to direct the Secretary  
11 to credit toward the non-Federal share of the cost of the  
12 project the cost of work carried out by the non-Federal  
13 interest before the date of the partnership agreement for  
14 the project if the Secretary determines that the work is  
15 integral to the project and to authorize the Secretary to  
16 consider national ecosystem restoration benefits in deter-  
17 mining the Federal interest in the project.

18 **SEC. 3021. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
19 **FORNIA.**

20       The project for improvement of the quality of the en-  
21 vironment, Wildcat/San Pablo Creek Phase I, California,  
22 being carried out under section 1135 of the Water Re-  
23 sources Development Act of 1986 (33 U.S.C. 2309a), is  
24 modified to direct the Secretary to credit toward the non-  
25 Federal share of the cost of the project the cost of work

1 carried out by the non-Federal interest before the date of  
 2 the partnership agreement for the project if the Secretary  
 3 determines that the work is integral to the project.

4 **SEC. 3022. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
 5 **FORNIA.**

6 The project for aquatic ecosystem restoration, Wild-  
 7 cat/San Pablo Creek Phase II, California, being carried  
 8 out under section 206 of the Water Resources Develop-  
 9 ment Act of 1996 (33 U.S.C. 2330), is modified to direct  
 10 the Secretary to credit toward the non-Federal share of  
 11 the cost of the project the cost of work carried out by  
 12 the non-Federal interest before the date of the partnership  
 13 agreement for the project if the Secretary determines that  
 14 the work is integral to the project and to authorize the  
 15 Secretary to consider national ecosystem restoration bene-  
 16 fits in determining the Federal interest in the project.

17 **SEC. 3023. BREVARD COUNTY, FLORIDA.**

18 Section 310 of the Water Resources Development Act  
 19 of 1999 (113 Stat. 301) is amended by adding at the end  
 20 the following:

21 “(d) CREDIT.—After completion of the study, the  
 22 Secretary shall credit toward the non-Federal share of the  
 23 cost of the project the cost of nourishment and renourish-  
 24 ment associated with the shore protection project incurred  
 25 by the non-Federal interest to respond to damages to



1 Brevard County beaches that are the result of a Federal  
2 navigation project, as determined in the final report for  
3 the study.”.

4 **SEC. 3024. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

5       The project for shore protection, Gasparilla and  
6 Estero Island segments, Lee County, Florida, authorized  
7 under section 201 of the Flood Control Act of 1965 (79  
8 Stat. 1073) by Senate Resolution dated December 17,  
9 1970, and by House Resolution dated December 15, 1970,  
10 and modified by section 309 of the Water Resources De-  
11 velopment Act of 2000 (114 Stat. 2602), is further modi-  
12 fied to direct the Secretary to credit toward the non-Fed-  
13 eral share of the cost of the project the cost of work car-  
14 ried out by the non-Federal interest before the date of the  
15 partnership agreement for the project if the Secretary de-  
16 termines that the work is integral to the project.

17 **SEC. 3025. LIDO KEY BEACH, SARASOTA, FLORIDA.**

18       The project for shore protection, Lido Key Beach,  
19 Sarasota, Florida, authorized by section 101 of the River  
20 and Harbor Act of 1970 (84 Stat. 1819), deauthorized  
21 under section 1001(b) of the Water Resources Develop-  
22 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized  
23 by section 364(2)(A) of the Water Resources Development  
24 Act of 1999 (113 Stat. 313), is modified to direct the Sec-  
25 retary to construct the project, at a total cost of

1 \$12,926,000, with an estimated Federal cost of  
2 \$6,547,000 and an estimated non-Federal cost of  
3 \$6,379,000, and at an estimated average annual cost of  
4 \$925,000 for periodic nourishment over the 50-year life  
5 of the project, with an estimated annual Federal cost of  
6 \$468,500 and an estimated annual non-Federal cost of  
7 \$456,500.

8 **SEC. 3026. MANATEE HARBOR, FLORIDA.**

9 The project for navigation, Manatee Harbor, Florida,  
10 authorized by section 202(a) of the Water Resources De-  
11 velopment Act of 1986 (100 Stat. 4093) and modified by  
12 section 102(j) of the Water Resources Development Act  
13 of 1990 (104 Stat. 4612), is further modified—

14 (1) to include the construction of an extension  
15 of the south channel a distance of approximately  
16 1584 feet consistent with the general reevaluation  
17 report, dated April 2002, prepared by the Jackson-  
18 ville District Corps of Engineers, at a total cost of  
19 \$11,300,000, with an estimated Federal cost of  
20 \$8,475,000 and an estimated non-Federal cost of  
21 \$2,825,000;

22 (2) to direct the Secretary to credit toward the  
23 non-Federal share of the cost of the project the cost  
24 of in-kind services and materials provided for the  
25 project by the non-Federal interest;

1           (3) to direct the Secretary to credit toward the  
2       non-Federal share of the cost of the project the cost  
3       of planning, design, and construction work carried  
4       out by the non-Federal interest before the date of  
5       the partnership agreement for the project if the Sec-  
6       retary determines that the work is integral to the  
7       project; and

8           (4) to authorize the Secretary to carryout the  
9       project as modified at a total cost of \$61,500,000.

10 **SEC. 3027. TAMPA HARBOR, FLORIDA.**

11       The project for navigation, Tampa Harbor, Florida,  
12 referred to in section 4 of the Rivers and Harbors Act  
13 of September 22, 1922 (42 Stat. 1042), is modified to  
14 direct the Secretary to credit toward the non-Federal  
15 share of the cost of the project the cost of planning, de-  
16 sign, and construction work carried out by the non-Fed-  
17 eral interest before the date of the partnership agreement  
18 for the project if the Secretary determines that the work  
19 is integral to the project.

20 **SEC. 3028. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

21       The project for navigation, Tampa Harbor-Big Bend  
22 Channel, Florida, authorized by section 101(a)(18) of the  
23 Water Resources Development Act of 1999 (113 Stat.  
24 276) is modified to direct the Secretary to credit toward  
25 the non-Federal share of the cost of the project the cost

1 of planning, design, and construction work carried out by  
2 the non-Federal interest before the date of the partnership  
3 agreement for the project if the Secretary determines that  
4 the work is integral to the project.

5 **SEC. 3029. LITTLE WOOD RIVER, GOODING, IDAHO.**

6 The project for flood damage reduction, Little Wood  
7 River, Gooding, Idaho, being carried out under section  
8 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),  
9 is modified—

10 (1) to authorize the non-Federal interest to pro-  
11 vide any portion of the non-Federal share of the cost  
12 of the project in the form of services, materials, sup-  
13 plies, or other in-kind contributions;

14 (2) to authorize the non-Federal interest to use  
15 funds made available under any other Federal pro-  
16 gram toward the non-Federal share of the cost of  
17 the project if such use of the funds is permitted  
18 under the other Federal program; and

19 (3) to direct the Secretary, in calculating the  
20 non-Federal share of the cost of the project, to make  
21 a determination under section 103(m) of the Water  
22 Resources Development Act of 1986 (33 U.S.C.  
23 2213(m)) on the non-Federal interest's ability to  
24 pay.

1 **SEC. 3030. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLI-**  
2 **NOIS.**

3 (a) IN GENERAL.—The project for flood control, Mis-  
4 sissippi River and Big Muddy River, Illinois, authorized  
5 by the Flood Control Act of 1938, is modified to authorize  
6 the Secretary to carry out repair and rehabilitation of the  
7 project at a total cost of \$22,600,000, with an estimated  
8 Federal cost of \$16,950,000 and an estimated non-Fed-  
9 eral cost of \$5,650,000, and to perform operation and  
10 maintenance of the project thereafter.

11 (b) OTHER ASSISTANCE.—Federal assistance made  
12 available through the Department of Agriculture may be  
13 used toward payment of the non-Federal share of the costs  
14 of the repair and rehabilitation under this section.

15 (c) UNITED STATES LANDS.—Costs under this sec-  
16 tion for the repair and rehabilitation allocable to the pro-  
17 tection of lands owned by the United States shall be a  
18 Federal responsibility. The Secretary shall seek reimburse-  
19 ment from the Secretary of Agriculture for the costs allo-  
20 cated to protecting lands owned by the Department of Ag-  
21 riculture.

22 (d) OPERATION AND MAINTENANCE OF NON-FED-  
23 ERAL LANDS.—The cost of operation and maintenance  
24 under this section allocated to protecting non-Federal  
25 lands shall be a non-Federal responsibility.

1 **SEC. 3031. LITTLE CALUMET RIVER, INDIANA.**

2       The project for flood control, Little Calumet River,  
3 Indiana, authorized by section 401(a) of the Water Re-  
4 sources Development Act of 1986 (100 Stat. 4115), is  
5 modified to authorize the Secretary to carry out the  
6 project in accordance with the post authorization change  
7 report dated August 2000, at a total cost of  
8 \$186,300,000, with an estimated Federal cost of  
9 \$136,600,000 and an estimated non-Federal cost of  
10 \$49,700,000.

11 **SEC. 3032. WHITE RIVER, INDIANA.**

12       The project for flood control, Indianapolis on West  
13 Fork of White River, Indiana, authorized by section 5 of  
14 the Act entitled “An Act authorizing the construction of  
15 certain public works on rivers and harbors for flood con-  
16 trol, and other purposes”, approved June 22, 1936 (49  
17 Stat. 1586), and modified by section 323 of the Water  
18 Resources Development Act of 1996 (110 Stat. 3716) and  
19 section 322 of the Water Resources Development Act of  
20 1999 (113 Stat. 303–304), is further modified to author-  
21 ize the Secretary to undertake the riverfront alterations  
22 described in the Central Indianapolis Waterfront Concept  
23 Plan, dated February 1994, for the Fall Creek Reach fea-  
24 ture, at a total cost of \$28,545,000.

1 **SEC. 3033. WOLF LAKE, INDIANA.**

2       The project for aquatic ecosystem restoration, Wolf  
3 Lake, Indiana, being carried out under section 206 of the  
4 Water Resources Development Act of 1996 (33 U.S.C.  
5 2330), is modified to direct the Secretary to credit toward  
6 the non-Federal share of the cost of the project the cost  
7 of planning, design, and construction work carried out by  
8 the non-Federal interest before the date of the partnership  
9 agreement for the project if the Secretary determines that  
10 the work is integral to the project.

11 **SEC. 3034. HARLAN COUNTY, KENTUCKY.**

12       The Harlan County, Kentucky, element of the project  
13 for flood control, Levisa and Tug Fork of the Big Sandy  
14 and Cumberland Rivers, West Virginia, Virginia, and Ken-  
15 tucky, authorized by section 202(a) of the Energy and  
16 Water Development Appropriations Act, 1981 (94 Stat.  
17 1339), is modified to direct the Secretary to take measures  
18 to provide a 100-year level of flood protection.

19 **SEC. 3035. PRESTONSBURG, KENTUCKY.**

20       The Prestonsburg, Kentucky, element of the project  
21 for flood control, Levisa and Tug Fork of the Big Sandy  
22 and Cumberland Rivers, West Virginia, Virginia, and Ken-  
23 tucky, authorized by section 202(a) of the Energy and  
24 Water Development Appropriations Act, 1981 (94 Stat.  
25 1339), is modified to direct the Secretary to take measures  
26 to provide a 100-year level of flood protection.

1 **SEC. 3036. ATCHAFALAYA BASIN, LOUISIANA.**

2 (a) IN GENERAL.—Section 315(a)(1) of the Water  
3 Resources Development Act of 2000 (114 Stat. 2603–  
4 2604) is amended to read as follows:

5 “(1) is authorized to study, design, construct,  
6 operate, and maintain, at Federal expense, a Type  
7 A Regional Visitor Center in the vicinity of Morgan  
8 City, Louisiana, in consultation with the State of  
9 Louisiana, to provide information to the public on  
10 the Atchafalaya River system and other associated  
11 waterways that have influenced surrounding commu-  
12 nities, and national and local water resources devel-  
13 opment of the Army Corps of Engineers in South  
14 Central Louisiana; and”.

15 (b) TECHNICAL CORRECTION.—Section 315(b) of  
16 such Act is amended by striking “(a)” and inserting  
17 “(a)(2)”.

18 (c) DONATIONS.—Section 315 of such Act is amend-  
19 ed by adding at the end the following:

20 “(c) DONATIONS.—In carrying out subsection (a)(1),  
21 the Mississippi River Commission is authorized to accept  
22 the donation of cash, funds, lands, materials, and services  
23 from non-Federal governmental entities and non-profit  
24 corporations.”.



1 **SEC. 3037. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
2 **FLOODWAY SYSTEM, LOUISIANA.**

3 The public access feature of the Atchafalaya Basin  
4 Floodway System, Louisiana, project, authorized by the  
5 Water Resources Development Act 1986 (100 Stat. 4142),  
6 is modified to authorize the Secretary to acquire from will-  
7 ing sellers the fee interest, exclusive of oil, gas, and min-  
8 erals, of an additional 20,000 acres of land within the  
9 Lower Atchafalaya Basin Floodway for the public access  
10 feature of the Atchafalaya Basin Floodway System, to en-  
11 hance fish and wildlife resources, at a total cost of  
12 \$4,000,000.

13 **SEC. 3038. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
14 **RIVER TO SHREVEPORT, LOUISIANA.**

15 The project for mitigation of fish and wildlife losses,  
16 J. Bennett Johnston Waterway, Mississippi River to  
17 Shreveport, Louisiana, authorized by section 601(a) of the  
18 Water Resources Development Act of 1986 (100 Stat.  
19 4142) and modified by section 4(h) of the Water Re-  
20 sources Development Act of 1988 (102 Stat. 4016), sec-  
21 tion 102(p) of the Water Resources Development Act of  
22 1990 (104 Stat. 4613), section 301(b)(7) of the Water  
23 Resources Development Act of 1996 (110 Stat. 3710), and  
24 section 316 of the Water Resources Development Act of  
25 2000 (114 Stat. 2572), is further modified to authorize

1 the purchase and reforestation of lands which have been  
2 cleared or converted to agricultural uses.

3 **SEC. 3039. MISSISSIPPI DELTA REGION, LOUISIANA.**

4 The Mississippi Delta Region project, Louisiana, au-  
5 thorized as part of the project for hurricane-flood protec-  
6 tion on Lake Pontchartrain, Louisiana, by section 204 of  
7 the Flood Control Act of 1965 (79 Stat. 1077) and modi-  
8 fied by section 365 of the Water Resources Development  
9 Act of 1996 (110 Stat. 3739), is further modified to direct  
10 the Secretary to credit toward the non-Federal share of  
11 the cost of the project the costs of relocating oyster beds  
12 in the Davis Pond project area if the Secretary determines  
13 that the work is integral to the Mississippi Delta Region  
14 project.

15 **SEC. 3040. NEW ORLEANS TO VENICE, LOUISIANA.**

16 The New Orleans to Venice, Louisiana, project for  
17 hurricane protection, authorized by section 203 of the  
18 Flood Control Act of 1962 (76 Stat. 1184), is modified  
19 to authorize the Secretary to carry out the work on the  
20 St. Jude to City Price, Upper Reach A back levee. The  
21 Federal share of the cost of such work shall be 70 percent.

22 **SEC. 3041. WEST BANK OF THE MISSISSIPPI RIVER (EAST**  
23 **OF HARVEY CANAL), LOUISIANA.**

24 Section 328 of the Water Resources Development Act  
25 of 1999 (113 Stat. 304–305) is amended—

1 (1) in subsection (a)—

2 (A) by striking “operation and maintenance” and inserting “operation, maintenance,  
3 rehabilitation, repair, and replacement”; and  
4

5 (B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and  
6

7 (2) by adding at the end the following:

8 “(c) COST SHARING.—The non-Federal share of the  
9 cost of the project shall be 35 percent.”.

10 **SEC. 3042. UNION RIVER, MAINE.**

11 The project for navigation, Union River, Maine, authorized by the first section of the Act entitled “An Act  
12 making appropriations for the construction, repair, and  
13 preservation of certain public works on rivers and harbors,  
14 and for other purposes”, approved June 3, 1896 (29 Stat.  
15 215), is modified by redesignating as an anchorage area  
16 that portion of the project consisting of a 6-foot turning  
17 basin and lying northerly of a line commencing at a point  
18 N315,975.13, E1,004,424.86 thence running north 61 degrees  
19 27 minutes 20.71 seconds west about 132.34 feet  
20 to a point N316,038.37, E1,004,308.61.

22 **SEC. 3043. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

23 (a) IN GENERAL.—The project for flood damage reduction,  
24 Cass River, Spaulding Township, Saginaw County,  
25 Michigan, being carried out under section 205 of the

1 Flood Control Act of 1948 (33 U.S.C. 701s), is modified  
 2 to incorporate flood control works constructed by the non-  
 3 Federal interests between Sheridan Road and East Street  
 4 (M-13) if the Secretary determines that the inclusion of  
 5 such flood control works is feasible.

6 (b) CREDIT.—The Secretary shall credit toward the  
 7 non-Federal share of the cost of the project the cost of  
 8 work carried out by the non-Federal interest before the  
 9 date of the partnership agreement for the project if the  
 10 Secretary determines that the work is integral to the  
 11 project.

12 **SEC. 3043. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**  
 13 **GAN.**

14 (a) IN GENERAL.—The project for emergency  
 15 streambank and shoreline protection, Detroit River Shore-  
 16 line, Detroit, Michigan, being carried out under section 14  
 17 of the Flood Control Act of 1946 (33 U.S.C. 701r), is  
 18 modified to include measures to enhance public access.

19 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
 20 imum amount of Federal funds that may be expended for  
 21 the project shall be \$3,000,000.

22 **SEC. 3044. WATER RESOURCES INSTITUTE, MUSKEGON,**  
 23 **MICHIGAN.**

24 (a) IN GENERAL.—The project for emergency  
 25 streambank and shoreline protection, Water Resources In-

stitute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be \$2,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3045. SAGINAW RIVER, BAY CITY, MICHIGAN.**

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be \$2,000,000.

**SEC. 3046. ADA, MINNESOTA.**

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried

1 out under section 205 of the Flood Control Act of 1948  
 2 (33 U.S.C. 701s), is modified to authorize the Secretary  
 3 to consider national ecosystem restoration benefits in de-  
 4 termining the Federal interest in the project.

5 (b) EVALUATION OF BENEFITS AND COSTS.—In  
 6 evaluating the economic benefits and costs for the project,  
 7 the Secretary shall not consider the emergency levee adja-  
 8 cent to Judicial Ditch No. 51 in the determination of con-  
 9 ditions existing prior to construction of the project.

10 (c) SPECIAL RULE.—In evaluating and implementing  
 11 the project, the Secretary shall allow the non-Federal in-  
 12 terest to participate in the financing of the project in ac-  
 13 cordance with section 903(c) of the Water Resources De-  
 14 velopment Act of 1986 (100 Stat. 4184) to the extent that  
 15 the Secretary's evaluation indicates that applying such  
 16 section is necessary to implement the project.

17 **SEC. 3047. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

18 (a) IN GENERAL.—The project for navigation, Du-  
 19 luth Harbor, McQuade Road, Minnesota, being carried out  
 20 under section 107 of the River and Harbor Act of 1960  
 21 (33 U.S.C. 577) and modified by section 321 of the Water  
 22 Resources Development Act of 2000 (114 Stat. 2605), is  
 23 further modified to authorize the Secretary to provide  
 24 public access and recreational facilities as generally de-  
 25 scribed in the Detailed Project Report and Environmental

1 Assessment, McQuade Road Harbor of Refuge, Duluth,  
2 Minnesota, dated August 1999.

3 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
4 imum amount of Federal funds that may be expended for  
5 the project shall be \$5,000,000.

6 **SEC. 3048. GRANITE FALLS, MINNESOTA.**

7 (a) IN GENERAL.—The Secretary is directed to im-  
8 plement under section 205 of the Flood Control Act of  
9 1948 (33 U.S.C. 701s) the locally preferred plan for flood  
10 damage reduction, Granite Falls, Minnesota, substantially  
11 in accordance with the detailed project report dated 2002,  
12 at a total cost of \$12,000,000, with an estimated Federal  
13 cost of \$8,000,000 and an estimated non-Federal cost of  
14 \$4,000,000.

15 (b) PROJECT FINANCING.—In evaluating and imple-  
16 menting the project under this section, the Secretary shall  
17 allow the non-Federal interests to participate in the fi-  
18 nancing of the project in accordance with section 903(c)  
19 of the Water Resources Development Act of 1986 (100  
20 Stat. 4184), to the extent that the detailed project report  
21 evaluation indicates that applying such section is nec-  
22 essary to implement the project.

23 (c) CREDIT.—The Secretary shall credit toward the  
24 non-Federal share of the project the cost of design and  
25 construction work carried out by the non-Federal interest

1 before date of execution of a partnership agreement for  
2 the project if the Secretary determines that the work is  
3 integral to the project.

4 (d) MAXIMUM FUNDING.—The maximum amount of  
5 Federal funds that may be expended for the flood damage  
6 reduction shall be \$8,000,000.

7 **SEC. 3049. MINNEAPOLIS, MINNESOTA.**

8 Section 527 of the Water Resources Development Act  
9 of 2000 (114 Stat. 2657) is amended—

10 (1) in subsection (a) by inserting after “June  
11 30, 1999” the following “, and including Hennepin  
12 Island and adjacent areas on the east side of the  
13 Mississippi River”; and

14 (2) in subsection (c) by striking “\$10,000,000”  
15 and inserting “\$25,000,000”.

16 **SEC. 3050. RED LAKE RIVER, MINNESOTA.**

17 The project for flood control, Red Lake River at  
18 Crookston, Minnesota, authorized by section 101(a)(23) of  
19 the Water Resources Development Act of 1999 (113 Stat.  
20 278), is modified to authorize the Secretary to construct  
21 the project, at a total cost of \$25,000,000, with an esti-  
22 mated Federal cost of \$16,250,000 and an estimated non-  
23 Federal cost of \$8,750,000.



1 **SEC. 3051. SILVER BAY, MINNESOTA.**

2       The project for navigation, Silver Bay, Minnesota,  
3 authorized by section 2 of the Rivers and Harbors Act  
4 of March 2, 1945 (59 Stat. 19), is modified to include  
5 operation and maintenance of the general navigation fa-  
6 cilities as a Federal responsibility.

7 **SEC. 3052. TACONITE HARBOR, MINNESOTA.**

8       The project for navigation, Taconite Harbor, Min-  
9 nesota, carried out under section 107 of the River and  
10 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-  
11 clude operation and maintenance of the general navigation  
12 facilities as a Federal responsibility.

13 **SEC. 3053. TWO HARBORS, MINNESOTA.**

14       (a) IN GENERAL.—The project for navigation, Two  
15 Harbors, Minnesota, being carried out under section 107  
16 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
17 is modified to include construction of a dredged material  
18 disposal facility, including actions required to clear the  
19 site.

20       (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—  
21 Non-Federal interests shall be responsible for providing all  
22 lands, easements, rights-of-way, and relocations necessary  
23 for the construction of the dredged material disposal facil-  
24 ity.

1 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
2 imum amount of Federal funds that may be expended for  
3 the project shall be \$5,000,000.

4 **SEC. 3054. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

5 The project for ecosystem restoration, Deer Island,  
6 Harrison County, Mississippi, being carried out under sec-  
7 tion 204 of the Water Resources Development Act of 1992  
8 (33 U.S.C. 2326) is modified to authorize the non-Federal  
9 interest to provide any portion of the non-Federal share  
10 of the cost of the project in the form of services, materials,  
11 supplies, or other in-kind contributions.

12 **SEC. 3055. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**  
13 **MISSOURI.**

14 The maximum amount of Federal funds that may be  
15 expended for the project for flood damage reduction, Bois  
16 Brule Drainage and Levee District, Missouri, being car-  
17 ried out under section 205 of the Flood Control Act of  
18 1948 (33 U.S.C. 701s), shall be \$25,000,000.

19 **SEC. 3056. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

20 The project for ecosystem restoration and flood dam-  
21 age reduction, Sand Creek watershed, Wahoo, Nebraska,  
22 authorized by section 101(b)(20) of the Water Resources  
23 Development Act of 2000 (114 Stat. 2578), is modified  
24 to direct the Secretary to credit toward the non-Federal  
25 share of the cost of the project the cost of work carried

1 out by the non-Federal interest before the date of the part-  
 2 nership agreement for the project if the Secretary deter-  
 3 mines that the work is integral to the project.

4 **SEC. 3057. ORCHARD BEACH, BRONX, NEW YORK.**

5 The project for shoreline protection, Orchard Beach,  
 6 Bronx, New York, authorized by section 554 of the Water  
 7 Resources Development Act of 1996 (110 Stat. 3781), is  
 8 modified to authorize the Secretary to construct the  
 9 project, at a total cost of \$18,000,000.

10 **SEC. 3058. TIMES BEACH, BUFFALO, NEW YORK.**

11 The project for improvement of the quality of the en-  
 12 vironment, Times Beach, Buffalo, New York, being car-  
 13 ried out under section 1135 of the Water Resources Devel-  
 14 opment Act of 1986 (100 Stat. 4251), is modified to direct  
 15 the Secretary to credit not more than \$750,000 toward  
 16 the non-Federal share of the cost of the project for the  
 17 cost of planning, design, and construction work carried out  
 18 by the non-Federal interest before the date of the partner-  
 19 ship agreement for the project if the Secretary determines  
 20 the work is integral to the project.

21 **SEC. 3059. PORT OF NEW YORK AND NEW JERSEY, NEW**  
 22 **YORK AND NEW JERSEY.**

23 The Secretary may not require as an item of local  
 24 cooperation in the construction of the project for naviga-  
 25 tion, Port of New York and New Jersey, New York and

1 New Jersey, authorized by section 101(a)(2) of the Water  
 2 Resources Development Act of 2000 (114 Stat. 2576),  
 3 that the non-Federal interest agree that the container fa-  
 4 cilities at the former Military Ocean Terminal at the Ba-  
 5 yonne, New Jersey, site along the Port Jersey Channel  
 6 be operational prior to construction of the 50-foot deep  
 7 Port Jersey Channel. Such container facilities may be  
 8 made operational concurrent with the navigation project.

9 **SEC. 3060. NEW YORK STATE CANAL SYSTEM.**

10 Section 553(c) of the Water Resources Development  
 11 Act of 1996 (110 Stat. 3781) is amended to read as fol-  
 12 lows:

13 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—  
 14 In this section, the term ‘New York State Canal System’  
 15 means the 524 miles of navigable canal that comprise the  
 16 New York State Canal System, including the Erie, Ca-  
 17 yuga-Seneca, Oswego, and Champlain Canals and the his-  
 18 toric alignments of these canals, including the cities of Al-  
 19 bany and Buffalo.”.

20 **SEC. 3061. WILLAMETTE RIVER TEMPERATURE CONTROL,**  
 21 **MCKENZIE SUBBASIN, OREGON.**

22 (a) IN GENERAL.—The project for environmental  
 23 restoration, Willamette River Temperature Control,  
 24 McKenzie Subbasin, Oregon, authorized by section  
 25 101(a)(25) of the Water Resources Development Act of

1 1996 (110 Stat. 3665) and modified by section 344 of  
2 the Water Resources Development Act of 1999 (113 Stat.  
3 308), is further modified to direct the Secretary to pay,  
4 subject to the availability of appropriations, compensation  
5 for losses to small business attributable to the implemen-  
6 tation of the draw down conducted as a part of project  
7 implementation in 2002.

8 (b) ESTABLISHMENT OF PROGRAM.—Not later than  
9 120 days after the date of enactment of this Act, the Sec-  
10 retary shall establish, and provide public notice of, a pro-  
11 gram—

12 (1) to receive claims for compensation for losses  
13 to small business attributable to the implementation  
14 of the draw down conducted as a part of project im-  
15 plementation in 2002;

16 (2) to evaluate claims for such losses; and

17 (3) to pay claims for such losses.

18 (c) IMPLEMENTATION OF PROGRAM.—In carrying  
19 out the program established under subsection (b), the Sec-  
20 retary shall provide—

21 (1) public notice of the existence of the pro-  
22 gram sufficient to reach those in the area that may  
23 have suffered losses to small businesses;

24 (2) a period for the submission of claims of not  
25 fewer than 45 days and not greater than 75 days

1 from the date of the first public notice of the exist-  
2 ence of the program;

3 (3) for the evaluation of each claim submitted  
4 to the Secretary under the program and a deter-  
5 mination of whether the claim constitutes a loss to  
6 a small business on or before the last day of the 30-  
7 day period beginning on the date of submission of  
8 the claim; and

9 (4) for the payment of each claim that the Sec-  
10 retary determines constitutes a loss to a small busi-  
11 ness on or before the last day of the 30-day period  
12 beginning on the date of the Secretary's determina-  
13 tion.

14 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this  
15 section, the term “loss to a small business” means docu-  
16 mented financial losses associated with commercial activ-  
17 ity of a small business that can be attributed to the tur-  
18 bidity levels in the McKenzie River being higher than  
19 those anticipated in the original planning documents and  
20 public announcements existing before the initiation of the  
21 draw down in 2002. Commercial losses include decline in  
22 sales, loss of revenue (including loss of revenue from can-  
23 celed or delayed reservations at lodging establishments),  
24 and any other financial losses that can be shown to be

1 associated with the elevated turbidity levels in the  
2 McKenzie River in 2002.

3 (e) PAYMENT OF CLAIMS.—The payment of claims  
4 for losses to small businesses shall be a Federal responsi-  
5 bility.

6 **SEC. 3062. LACKAWANNA RIVER AT OLYPHANT, PENNSYL-**  
7 **VANIA.**

8 The project for flood control, Lackawanna River at  
9 Olyphant, Pennsylvania, authorized by section 101(16) of  
10 the Water Resources Development Act of 1992 (106 Stat.  
11 4803), is modified to authorize the Secretary to construct  
12 the project, at a total cost of \$20,000,000.

13 **SEC. 3063. LACKAWANNA RIVER AT SCRANTON, PENNSYL-**  
14 **VANIA.**

15 The project for flood control, Lackawanna River at  
16 Scranton, Pennsylvania, authorized by section 101(17) of  
17 the Water Resources Development Act of 1992 (106 Stat.  
18 4803), is modified to authorize the Secretary to construct  
19 the project, at a total cost of \$23,000,000.

20 **SEC. 3064. RAYSTOWN LAKE, PENNSYLVANIA.**

21 The Secretary may take such action as may be nec-  
22 essary, including construction of a breakwater, to prevent  
23 shoreline erosion between .07 and 2.7 miles south of Penn-  
24 sylvania State Route 994 on the east shore of Raystown  
25 Lake, Pennsylvania.

1 **SEC. 3065. SHERADEN PARK STREAM AND CHARTIERS**  
 2 **CREEK, ALLEGHENY COUNTY, PENNSYL-**  
 3 **VANIA.**

4 The project for aquatic ecosystem restoration,  
 5 Sheraden Park Stream and Chartiers Creek, Allegheny  
 6 County, Pennsylvania, being carried out under section 206  
 7 of the Water Resources Development Act of 1996 (33  
 8 U.S.C. 2330), is modified to direct the Secretary to credit  
 9 up to \$400,000 toward the non-Federal share of the cost  
 10 of the project for planning and design work carried out  
 11 by the non-Federal interest before the date of the partner-  
 12 ship agreement for the project if the Secretary determines  
 13 that the work is integral to the project.

14 **SEC. 3066. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**  
 15 **VANIA.**

16 The project for flood control, Wyoming Valley, Penn-  
 17 sylvania, authorized by section 401(a) of the Water Re-  
 18 sources Development Act of 1986 (100 Stat. 4124), is  
 19 modified to include as a project element the project for  
 20 flood control for Solomon's Creek, Wilkes-Barre, Pennsylv-  
 21 ania.

22 **SEC. 3067. SOUTH CENTRAL PENNSYLVANIA.**

23 Section 313(h)(2) of the Water Resources Develop-  
 24 ment Act of 1992 (106 Stat. 4847; 107 Stat. 407; 117  
 25 Stat. 142) is amended by striking "Allegheny, Armstrong,  
 26 Bedford, Blair, Cambria, Clearfield, Fayette, Franklin,



1 Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin,  
2 Somerset, Snyder, Washington, and Westmoreland Coun-  
3 ties” and inserting “Allegheny, Armstrong, Bedford,  
4 Blair, Cambria, Fayette, Franklin, Fulton, Greene, Hun-  
5 tingdon, Indiana, Juniata, Somerset, Washington, and  
6 Westmoreland Counties”.

7 **SEC. 3068. WYOMING VALLEY, PENNSYLVANIA.**

8 In carrying out the project for flood control, Wyo-  
9 ming Valley, Pennsylvania, authorized by section 401(a)  
10 of the Water Resources Development Act of 1986 (100  
11 Stat. 4124), the Secretary shall coordinate with non-Fed-  
12 eral interests to review opportunities for increased public  
13 access.

14 **SEC. 3069. LITTLE LIMESTONE CREEK, JONESBOROUGH,**  
15 **TENNESSEE.**

16 In evaluating and implementing the project for flood  
17 damage reduction, Little Limestone Creek, Jonesborough,  
18 Tennessee, under section 205 of the Flood Control Act  
19 of 1948 (33 U.S.C. 701s), the Secretary shall allow the  
20 non-Federal interest to participate in the financing of the  
21 project in accordance with section 903(c) of the Water Re-  
22 sources Development Act of 1986 (100 Stat. 4184), to the  
23 extent that the Secretary’s evaluation indicates that apply-  
24 ing such section is necessary to implement the project.

1 **SEC. 3070. LOWER RIO GRANDE BASIN, TEXAS.**

2 The project for flood control, Lower Rio Grande  
3 Basin, Texas, authorized by section 401(a) of the Water  
4 Resources Development Act of 1986 (100 Stat. 4125), is  
5 modified—

6 (1) to direct the Secretary to credit toward the  
7 non-Federal share of the cost of the project the cost  
8 of planning, design, and construction work carried  
9 out by the non-Federal interest before the date of  
10 the partnership agreement for the project if the Sec-  
11 retary determines that the work is integral to the  
12 project; and

13 (2) to direct the Secretary, in calculating the  
14 non-Federal share of the cost of the project, to make  
15 a determination under section 103(m) of the Water  
16 Resources Development Act of 1986 (33 U.S.C.  
17 2213(m)) on the non-Federal interest's ability to  
18 pay .

19 **SEC. 3071. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
20 **TEXAS.**

21 The project for ecosystem restoration and storm dam-  
22 age reduction, North Padre Island, Corpus Christi Bay,  
23 Texas, authorized by section 556 of the Water Resources  
24 Development Act of 1999 (113 Stat. 353), is modified to  
25 include recreation as a project purpose.

1 **SEC. 3072. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

2       The project for flood control, San Antonio Channel,  
3 Texas, authorized by section 203 of the Flood Control Act  
4 of 1954 (68 Stat. 1259) as part of the comprehensive plan  
5 for flood protection on the Guadalupe and San Antonio  
6 Rivers in Texas and modified by section 103 of the Water  
7 Resources Development Act of 1976 (90 Stat. 2921) and  
8 section 335 of the Water Resources Development Act of  
9 2000 (114 Stat. 2611), is further modified to authorize  
10 the Secretary to credit toward the non-Federal share of  
11 the cost of the project the cost of construction work car-  
12 ried out by the non-Federal interest before the date of the  
13 partnership agreement for the project if the Secretary de-  
14 termines that the work is integral to the project.

15 **SEC. 3073. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

16       Section 358 of the Water Resources Development Act  
17 of 1999 (113 Stat. 312) is amended by striking “Sep-  
18 tember 30, 1999” and inserting “May 4, 1997”.

19 **SEC. 3074. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

20       The project for flood control, Roanoke River Upper  
21 Basin, Virginia, authorized by section 401(a) of the Water  
22 Resources Development Act of 1986 (100 Stat. 4126) and  
23 modified by section 110 of the Energy and Water Develop-  
24 ment Appropriations Act, 1990 (103 Stat. 650), is further  
25 modified to authorize the Secretary to construct the  
26 project, at a total cost of \$64,300,000, with an estimated

1 Federal cost of \$42,100,000 and an estimated non-Fed-  
2 eral cost of \$22,200,000.

3 **SEC. 3075. LAKE KEMP, TEXAS.**

4 (a) IN GENERAL.—The Secretary may not take any  
5 legal or administrative action seeking to remove a Lake  
6 Kemp improvement before the earlier of January 1, 2020,  
7 or the date of any transfer of ownership of the improve-  
8 ment occurring after the date of enactment of this Act.

9 (b) LIMITATION ON LIABILITY.—The United States,  
10 or any of its officers, agents, or assignees, shall not be  
11 liable for any injury, loss, or damage accruing to the own-  
12 ers of a Lake Kemp improvement, their lessees, or occu-  
13 pants as a result of any flooding or inundation of such  
14 improvements by the waters of the Lake Kemp reservoir,  
15 or for such injury, loss, or damage as may occur through  
16 the operation and maintenance of the Lake Kemp dam  
17 and reservoir in any manner.

18 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this  
19 section, the term “Lake Kemp improvement” means an  
20 improvement (including dwellings) located within the flow-  
21 age easement of Lake Kemp, Texas, below elevation 1159  
22 feet mean sea level.

1 **SEC. 3076. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**  
 2 **BOR, WASHINGTON.**

3 (a) IN GENERAL.—The project for navigation, Blair  
 4 and Sitcum Waterways, Tacoma Harbor, Washington, au-  
 5 thorized by section 202(a) of the Water Resources Devel-  
 6 opment Act of 1986 (100 Stat. 4096), is modified to direct  
 7 the Secretary to review the locally prepared plan for the  
 8 Blair and Sitecum Waterways, Washington, and, if the Sec-  
 9 retary determines that the plan meets the evaluation and  
 10 design standards of the Corps of Engineers and that the  
 11 plan is feasible, to authorize the Secretary to carry out  
 12 the plan, at a Federal cost of \$4,240,000.

13 (b) CREDIT.—The Secretary shall credit toward the  
 14 non-Federal share of the cost of the project the cost of  
 15 work carried out by the non-Federal interest before the  
 16 date of the partnership agreement for the project if the  
 17 Secretary determines that the work is integral to the  
 18 project.

19 **SEC. 3077. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

20 Section 579(c) of the Water Resources Development  
 21 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended  
 22 by striking “\$47,000,000” and inserting “\$89,000,000”.

23 **SEC. 3078. MANITOWOC HARBOR, WISCONSIN.**

24 The project for navigation, Manitowoc Harbor, Wis-  
 25 consin, authorized by the River and Harbor Act of August  
 26 30, 1852, is modified to direct the Secretary to deepen

1 the upstream reach of the navigation channel from 12 feet  
2 to 18 feet, at a total cost of \$300,000.

3 **SEC. 3079. CONTINUATION OF PROJECT AUTHORIZATIONS.**

4 (a) IN GENERAL.—Notwithstanding section  
5 1001(b)(2) of the Water Resources Development Act of  
6 1986 (33 U.S.C. 579a(b)(2)), the following projects shall  
7 remain authorized to be carried out by the Secretary:

8 (1) The project for navigation, Fall River Har-  
9 bor, Massachusetts, authorized by section 101 of the  
10 River and Harbor Act of 1968 (82 Stat. 731).

11 (2) The project for flood control, Agana River,  
12 Guam, authorized by section 401(a) of the Water  
13 Resources Development Act of 1986 (100 Stat.  
14 4127).

15 (b) LIMITATION.—A project described in subsection  
16 (a) shall not be authorized for construction after the last  
17 day of the 7-year period beginning on the date of enact-  
18 ment of this Act, unless, during such period, funds have  
19 been obligated for the construction (including planning  
20 and design) of the project.

21 **SEC. 3080. PROJECT REAUTHORIZATION.**

22 That portion of the project for navigation, Manitowoc  
23 Harbor, Wisconsin, consisting of the channel in the south  
24 part of the outer harbor, deauthorized by section 101 of  
25 the River and Harbor Act of 1962 (76 Stat. 1176), may

1 be carried out by the Secretary if the Secretary determines  
 2 that it is feasible.

3 **SEC. 3081. PROJECT DEAUTHORIZATIONS.**

4 (a) IN GENERAL.—The following projects are not au-  
 5 thorized after the date of enactment of this Act:

6 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The  
 7 portion of the project for navigation, Bridgeport  
 8 Harbor, Connecticut, authorized by the River and  
 9 Harbor Act of July 3, 1930 (46 Stat. 919), con-  
 10 sisting of an 18-foot channel in Yellow Mill River  
 11 and described as follows: Beginning at a point along  
 12 the eastern limit of the existing project,  
 13 N123,649.75, E481,920.54, thence running north-  
 14 westerly about 52.64 feet to a point N123,683.03,  
 15 E481,879.75, thence running northeasterly about  
 16 1,442.21 feet to a point N125,030.08, E482,394.96,  
 17 thence running northeasterly about 139.52 feet to a  
 18 point along the east limit of the existing channel,  
 19 N125,133.87, E482,488.19, thence running south-  
 20 westerly about 1,588.98 feet to the point of origin.

21 (2) NORWALK HARBOR, CONNECTICUT.—The  
 22 following portions a 10-foot channel of the project  
 23 for navigation, Norwalk Harbor, Connecticut, au-  
 24 thorized by the first section of the Rivers and Har-

1        bors Appropriations Act of March 2, 1919 (40 Stat.  
2        1276):

3                (A) An approximate rectangular shaped  
4        section along the northwesterly terminus of the  
5        channel. The section is 35-feet wide and about  
6        460-feet long and is further described as fol-  
7        lows: Commencing at a point N104,165.85,  
8        E417,662.71, thence running south 24 degrees  
9        06 minutes 55 seconds east 395.00 feet to a  
10       point N103,805.32, E417,824.10, thence run-  
11       ning south 00 degrees 38 minutes 06 seconds  
12       east 87.84 feet to a point N103,717.49,  
13       E417,825.07, thence running north 24 degrees  
14       06 minutes 55 seconds west 480.00 feet, to a  
15       point N104,155.59, E417.628.96, thence run-  
16       ning north 73 degrees 05 minutes 25 seconds  
17       east 35.28 feet to the point of origin.

18               (B) An area having the approximate shape  
19        of a parallelogram along the northeasterly por-  
20        tion of the channel, southeast of the area de-  
21        scribed in subparagraph (A). This area is 20-  
22        feet wide and about 260-feet long and is further  
23        described as follows: Commencing at a point  
24        N103,855.48, E417,849.99, thence running  
25        south 33 degrees 07 minutes 30 seconds east



1           133.40 feet to a point N103,743.76,  
2           E417,922.89, thence running south 24 degrees  
3           07 minutes 04 seconds east 127.75 feet to a  
4           point N103,627.16, E417,975.09, thence run-  
5           ning north 33 degrees 07 minutes 30 seconds  
6           west 190.00 feet to a point N103,786.28,  
7           E417,871.26, thence running north 17 degrees  
8           05 minutes 15 seconds west 72.39 feet to the  
9           point of origin.

10           (3) CHICAGO RIVER AND HARBOR, CHICAGO, IL-  
11           LINOIS.—Those portions of the projects for naviga-  
12           tion, Chicago River and Chicago Harbor, Chicago,  
13           Illinois, authorized by the River and Harbor Act of  
14           March 3, 1899 (30 Stat. 1129), extending 50 feet  
15           riverward of the existing dock wall on the south side  
16           of the channel from Lake Street to Franklin Street  
17           and 25 feet riverward of the existing dock wall on  
18           the south side of the channel from Franklin Street  
19           to Wabash Avenue, and those areas within 20 feet  
20           of the bridge abutments on the south side of the  
21           channel for the length of the protection bridge piers  
22           from the Franklin Street Bridge to the Michigan  
23           Avenue Bridge.

24           (4) ISLAND END RIVER, MASSACHUSETTS.—The  
25           portion of the project for navigation, Island End

1 River, Massachusetts, carried out under section 107  
2 of the River and Harbor Act of 1960 (33 U.S.C.  
3 577), described as follows: Beginning at a point  
4 along the eastern limit of the existing project,  
5 N507,348.98, E721,180.01, thence running north-  
6 east about 35 feet to a point N507,384.17,  
7 E721,183.36, thence running northeast about 324  
8 feet to a point N507,590.51, E721,433.17, thence  
9 running northeast about 345 feet to a point along  
10 the northern limit of the existing project,  
11 N507,927.29, E721,510.29, thence running south-  
12 east about 25 feet to a point N507,921.71,  
13 E721,534.66, thence running southwest about 354  
14 feet to a point N507,576.65, E721,455.64, thence  
15 running southwest about 357 feet to the point of ori-  
16 gin.

17 (5) CITY WATERWAY, TACOMA, WASHINGTON.—  
18 The portion of the project for navigation, City Wa-  
19 terway, Tacoma, Washington, authorized by the first  
20 section of the River and Harbor Appropriations Act  
21 of June 13, 1902 (32 Stat. 347), consisting of the  
22 last 1,000 linear feet of the inner portion of the wa-  
23 terway beginning at Station 70+00 and ending at  
24 Station 80+00.

1       (b) NORWALK HARBOR, CONNECTICUT.—The 10-  
2 foot channel portion of the Norwalk Harbor, Connecticut,  
3 navigation project described in subsection (a)(2) is modi-  
4 fied to authorize the Secretary to realign the channel to  
5 include a new section immediately north of the area de-  
6 scribed in subsection (a)(2)(B). The new triangular  
7 shaped section is described as follows: Commencing at a  
8 point N103,968.35, E417,815.29, thence running south  
9 17 degrees 05 minutes 15 seconds east 118.09 feet to a  
10 point N103,855.48, E417,849.99, thence running north  
11 33 degrees 07 minutes 30 seconds west 36.76 feet to a  
12 point N103,886.27, E417.829.90, thence running north  
13 10 degrees 05 minutes 26 seconds west 83.37 feet to the  
14 point of origin.

15       (c) CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-  
16 NOIS.—The projects for navigation, Chicago River and  
17 Chicago Harbor referred to in subsection (a)(3) are modi-  
18 fied to direct the Secretary to redefine the Federal naviga-  
19 tion channel for the North Branch Canal portion extend-  
20 ing from 100 feet downstream of the Halsted Street  
21 Bridge to 100 feet upstream of the Division Street Bridge  
22 to be no wider than 66 feet.

23       (d) ADDITIONAL DEAUTHORIZATIONS.—The fol-  
24 lowing projects, with a total estimated authorized cost of  
25 \$2,017,000,000, are not authorized after the date of en-

1 actment of this Act, except with respect to any portion  
2 of such a project which portion has been completed before  
3 such date or is under construction on such date:

4 (1) The project for flood damage reduction,  
5 Cache Creek Basin, Clear Lake Outlet Channel,  
6 California, authorized by the Water Resources De-  
7 velopment Act of 1986 (Public Law 99–662).

8 (2) The project for flood control, Colusa  
9 Trough Drainage Canal, Sacramento River and  
10 Tributaries, California, authorized by the Flood  
11 Control Acts of 1917, 1928, and 1941 and the River  
12 and Harbor Act of 1937.

13 (3) The project for flood control, Goleta and Vi-  
14 cinity, California, authorized by the Flood Control  
15 Act of 1970.

16 (4) The project to modify the Central and  
17 Southern Florida project to improve water supply to  
18 the Everglades National Park, Florida, authorized  
19 by the Flood Control Act of 1954 (Public Law 83–  
20 780) and the Flood Control Act of 1968 (Public  
21 Law 90–483).

22 (5) The project for flood control, Central and  
23 Southern Florida Project, Shingle Creek Basin,  
24 Florida, authorized by the Flood Control Act of  
25 1962.

1           (6) The project for hydroelectric power, Wailua  
2 Falls, Wailua River, Kauai, Hawaii, authorized by  
3 section 601 of the Water Resources Development  
4 Act of 1986 Public Law 99–662).

5           (7) The project for navigation, Illinois Water-  
6 way Cal-Sag Part III, Illinois, authorized by the  
7 River and Harbor Act of 1946.

8           (8) The project for flood control, Middle Wa-  
9 bash, Greenfield Bayou, Indiana, authorized by sec-  
10 tion 10 of the Flood Control Act of 1946.

11          (9) The project for flood damage reduction,  
12 Lake George, Hobart, Indiana, authorized by section  
13 602 of the Water Resources Development Act of  
14 1986 (Public Law 99–662).

15          (10) The project for flood damage reduction,  
16 Green Bay Levee and Drainage District No. 2,  
17 Iowa, authorized by the Water Resources Develop-  
18 ment Act of 1986, deauthorized in fiscal year 1991,  
19 and reauthorized by the Water Resources Develop-  
20 ment Act of 1992 (Public Law 102–580).

21          (11) The project for flood damage reduction,  
22 Hazard, Kentucky, authorized by section 3 of the  
23 Water Resources Development Act of 1988 (Public  
24 Law 100–676) and section 108 of the Water Re-

1 sources Development Act of 1990 (Public Law 101–  
2 640).

3 (12) The recreation portion of the project for  
4 flood control, Taylorsville Lake, Kentucky, author-  
5 ized by section 203 of the Flood Control Act of  
6 1966.

7 (13) The project for flood control, West Ken-  
8 tucky Tributaries, Kentucky, authorized by the  
9 Flood Control Acts of 1965 and 1970 and the Water  
10 Resources Development Act of 1986.

11 (14) The project for flood damage reduction,  
12 Bayou Cocodrie and Tributaries, Louisiana, author-  
13 ized by the Flood Control Act of 1941 and the  
14 Water Resources Development Act of 1974.

15 (15) The project for flood control, Eastern  
16 Rapides and South-Central Avoyelles Parishes, Lou-  
17 isiana, authorized by the Flood Control Act of 1970  
18 (Public Law–611).

19 (16) The project for Red River Waterway,  
20 Shreveport, Louisiana to Daingerfield, Texas, au-  
21 thorized by the River and Harbor Act of 1968 (Pub-  
22 lic Law 90–483).

23 (17) The project for flood damage reduction  
24 Brockton, Massachusetts, authorized by section

1 401(c) of the Water Resources Development Act of  
2 1986 (Public Law 99–662).

3 (18) The project for navigation, Grand Haven  
4 Harbor, Michigan, authorized by section 202 of the  
5 Water Resources Development Act of 1986 (Public  
6 Law 99–662).

7 (19) The project for navigation, Greenville Har-  
8 bor, Mississippi, authorized by section 601 of the  
9 Water Resources Development Act of 1986 (Public  
10 Law 99–662).

11 (20) The project for flood damage reduction,  
12 Platte River Flood and Related Streambank Erosion  
13 Control, Nebraska, authorized by section 603 of the  
14 Water Resources Development Act of 1986 (Public  
15 Law 99–662).

16 (21) The project for navigation, Eisenhower  
17 and Snell Locks, New York, authorized by section  
18 1163 of the Water Resources Development Act of  
19 1986 (Public Law 99–662).

20 (22) The project for navigation, Outer Harbor,  
21 Buffalo, New York, authorized by section 110 of the  
22 Water Resources Development Act of 1992.

23 (23) The project for flood damage reduction,  
24 Sugar Creek Basin, North Carolina and South Caro-  
25 lina, authorized by section 401 of the Water Re-

1 sources Development Act of 1986 (Public Law 99–  
2 662).

3 (24) The project for hydropower, Libby Dam,  
4 Montana, (Units 6–8), authorized by section 549 of  
5 the Water Resources Development Act of 1996  
6 (Public Law 104–303).

7 (25) The project for flood control and recre-  
8 ation, Fairfield, Ohio, authorized by section 401(a)  
9 of the Water Resources Development Act of 1986  
10 (Public Law 99–662).

11 (26) The project for shoreline protection,  
12 Maumee Bay, Lake Erie, Ohio, authorized by sec-  
13 tion 501(a) of the Water Resources Development  
14 Act of 1986.

15 (27) The project for flood control and water  
16 supply, Parker Lake, Muddy Boggy Creek, Okla-  
17 homa, authorized by the Water Resources Develop-  
18 ment Act of 1986 (Public Law 99–662).

19 (28) The project for the Columbia River, Sea-  
20 farers Memorial, Hammond, Oregon, authorized by  
21 the Energy and Water Development Appropriations  
22 Act of 1991.

23 (29) The project for bulkhead repairs, Quonset  
24 Point-Davisville, Rhode Island, authorized by section



1       571 of the Water Resources Development Act of  
2       1996.

3           (30) The project for hydroelectric pumped stor-  
4       age facility, South Dakota, authorized by section  
5       601 of the Water Resources Development Act of  
6       1986 (Public Law 99–662).

7           (31) The project for wildlife habitat compensa-  
8       tion, Oahe Dam, Lake Oahe (Wildlife Restoration,  
9       South Dakota and North Dakota, authorized by the  
10      Flood Control Act of 1970.

11          (32) The project for flood damage reduction,  
12      Harris Fork Creek, Tennessee and Kentucky, au-  
13      thorized by section 102 of the Water Resources De-  
14      velopment Acts of 1976 and 1986.

15          (33) The project for flood damage reduction,  
16      Arroyo Colorado, Texas, authorized by the Water  
17      Resources Development Act of 1986 (Public Law  
18      99–662).

19          (34) The project for flood damage reduction,  
20      Cypress Creek-Structural, Texas, authorized by the  
21      Water Resources Development Act of 1988.

22          (35) The project for flood damage reduction,  
23      East Fork channel Improvement, Increment 2, East  
24      Fork of the Trinity River, Texas, authorized by the  
25      Flood Control Act of 1962.

1           (36) The project for flood damage reduction,  
2           Falfurrias, Texas, authorized by the Water Re-  
3           sources Development Act of 1988.

4           (37) The project for bank erosion, Kanawha  
5           River, Charleston, West Virginia, authorized by sec-  
6           tion 603(f)(13) of the Water Resources Development  
7           Act of 1986 (Public Law 99–662).

8   **SEC. 3083. LAND CONVEYANCES.**

9           (a) MILFORD, KANSAS.—

10           (1) IN GENERAL.—Subject to the provisions of  
11           this section, the Secretary shall convey by quitclaim  
12           deed without consideration to the Geary County Fire  
13           Department, Milford, Kansas, all right, title, and in-  
14           terest of the United States in and to a parcel of land  
15           consisting of approximately 7.4 acres located in  
16           Geary County, Kansas, for construction, operation,  
17           and maintenance of a fire station.

18           (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
19           The exact acreage and the description of the real  
20           property referred to in paragraph (1) shall be deter-  
21           mined by a survey that is satisfactory to the Sec-  
22           retary.

23           (3) REVERSION.—If the Secretary determines  
24           that the property conveyed under paragraph (1)  
25           ceases to be held in public ownership or to be used

1 for any purpose other than a fire station, all right,  
2 title, and interest in and to the property shall revert  
3 to the United States, at the option of the United  
4 States.

5 (b) BOARDMAN, OREGON.—Section 501(g)(1) of the  
6 Water Resources Development Act of 1996 (110 Stat.  
7 3751) is amended—

8 (1) by striking “city of Boardman,” and insert-  
9 ing “the Boardman Park and Recreation District,  
10 Boardman,”; and

11 (2) by striking “such city” and inserting “the  
12 city of Boardman”.

13 (c) GENERALLY APPLICABLE PROVISIONS.—

14 (1) APPLICABILITY OF PROPERTY SCREENING  
15 PROVISIONS.—Section 2696 of title 10, United  
16 States Code, shall not apply to any conveyance  
17 under this section.

18 (2) ADDITIONAL TERMS AND CONDITIONS.—

19 The Secretary may require that any conveyance  
20 under this section be subject to such additional  
21 terms and conditions as the Secretary considers ap-  
22 propriate and necessary to protect the interests of  
23 the United States.

24 (3) COSTS OF CONVEYANCE.—An entity to  
25 which a conveyance is made under this section shall

1 be responsible for all reasonable and necessary costs,  
 2 including real estate transaction and environmental  
 3 compliance costs, associated with the conveyance.

4 (4) LIABILITY.—An entity to which a convey-  
 5 ance is made under this section shall hold the  
 6 United States harmless from any liability with re-  
 7 spect to activities carried out, on or after the date  
 8 of the conveyance, on the real property conveyed.  
 9 The United States shall remain responsible for any  
 10 liability with respect to activities carried out, before  
 11 such date, on the real property conveyed.

12 **SEC. 3084. EXTINGUISHMENT OF REVERSIONARY INTER-**  
 13 **ESTS AND USE RESTRICTIONS.**

14 (a) IN GENERAL.—With respect to each deed listed  
 15 in subsection (b), the reversionary interests and use re-  
 16 strictions relating to industrial use purposes are extin-  
 17 guished.

18 (b) AFFECTED DEEDS.—The deeds with the fol-  
 19 lowing county auditor’s file numbers are referred to in  
 20 subsection (a):

21 (1) Auditor’s Instrument No. 399218 of Nez  
 22 Perce County, Idaho—2.07 acres.

23 (2) Auditor’s Instrument No. 487437 of Nez  
 24 Perce County, Idaho—7.32 acres.

1 (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this  
2 section affects the remaining rights and interests of the  
3 Corps of Engineers for authorized project purposes.

## 4 **TITLE IV—STUDIES**

### 5 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

6 Section 455 of the Water Resources Development Act  
7 of 1999 (113 Stat. 330–332) is amended by adding at  
8 the end the following:

9 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The  
10 non-Federal interest may provide up to 100 percent of the  
11 non-Federal share required under subsection (f) in the  
12 form of services, materials, supplies, or other in-kind con-  
13 tributions.”.

### 14 **SEC. 4002. ST. GEORGE HARBOR, ALASKA.**

15 The Secretary shall conduct, at Federal expense, a  
16 study to determine the feasibility of providing navigation  
17 improvements at St. George, Alaska.

### 18 **SEC. 4003. UPPER MISSISSIPPI RIVER AND ILLINOIS WA-** 19 **TERWAY, ILLINOIS, IOWA, MINNESOTA, MIS-** 20 **SOURI, AND WISCONSIN.**

21 The Secretary shall transmit to Congress a report on  
22 the results of the Upper Mississippi River and Illinois Wa-  
23 terway Restructured System Navigation Feasibility Study,  
24 Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no  
25 later than July 1, 2004.

1 **SEC. 4004. HAMILTON, CALIFORNIA.**

2       The Secretary is directed to continue planning,  
3 preconstruction, engineering, and design efforts on the  
4 Sacramento-San Joaquin River Basins Comprehensive  
5 Study-Hamilton City Flood Damage Reduction and Eco-  
6 system Restoration Initial Project and shall include in the  
7 study an area 2 miles north and 4 miles south of State  
8 Highway 32.

9 **SEC. 4005. OCEANSIDE, CALIFORNIA.**

10       Section 414 of the Water Resources Development Act  
11 of 2000 (114 Stat. 2636) is amended by striking “32  
12 months” and inserting “44 months”.

13 **SEC. 4006. SACRAMENTO RIVER, CALIFORNIA.**

14       The Secretary shall conduct a comprehensive study  
15 to determine the feasibility of, and alternatives for, meas-  
16 ures to protect water diversion facilities and fish protective  
17 screen facilities in the vicinity of river mile 178 on the  
18 Sacramento River, California.

19 **SEC. 4007. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
20 **QUIN DELTA, CALIFORNIA.**

21       (a) IN GENERAL.—The Secretary shall conduct a  
22 study to determine the feasibility of the beneficial use of  
23 dredged material from the San Francisco Bay in the Sac-  
24 ramento-San Joaquin Delta, California, including the ben-  
25 efits and impacts of salinity in the Delta and the benefits  
26 to navigation, flood damage reduction, ecosystem restora-

1 tion, water quality, salinity control, water supply reli-  
2 ability, and recreation.

3 (b) COOPERATION.—In conducting the study, the  
4 Secretary shall cooperate with the California Department  
5 of Water Resources and appropriate Federal and State en-  
6 tities in developing options for the beneficial use of  
7 dredged material from San Francisco Bay for the Sac-  
8 ramento-San Joaquin Delta area.

9 (c) REVIEW.—The study shall include a review of the  
10 feasibility of using Sherman Island as a rehandling site  
11 for levee maintenance material, as well as for ecosystem  
12 restoration. The review may include monitoring a pilot  
13 project using up to 150,000 cubic yards of dredged mate-  
14 rial and being carried out at the Sherman Island site, ex-  
15 amining larger-scale use of dredged materials from the  
16 San Francisco Bay and Suisun Bay Channel, and ana-  
17 lyzing the feasibility of the potential use of saline mate-  
18 rials from the San Francisco Bay for both rehandling and  
19 ecosystem restoration purposes.

20 **SEC. 4008. TYBEE ISLAND, GEORGIA.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of including the northern end of Tybee Island  
23 extending from the north terminal groin to the mouth of  
24 Lazaretto Creek as a part of the project for beach erosion  
25 control, Tybee Island, Georgia, carried out under section

1 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–  
2 5).

3 **SEC. 4009. CALUMET HARBOR, ILLINOIS.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project for navigation at Cal-  
6 umet Harbor, Illinois.

7 **SEC. 4010. PADUCAH, KENTUCKY.**

8 The Secretary is authorized to complete a rehabilita-  
9 tion evaluation report for the project for flood damage re-  
10 duction, Paducah, Kentucky, and, if the Secretary deter-  
11 mines that the project is feasible, proceed to  
12 preconstruction engineering and design for rehabilitation  
13 of the project.

14 **SEC. 4011. WEST FELICIANA PARISH, LOUISIANA.**

15 The Secretary shall conduct a study to determine the  
16 feasibility of carrying out a project for riverfront develop-  
17 ment, including enhanced public access, recreation, and  
18 environmental restoration, on the Mississippi River in  
19 West Feliciana Parish, Louisiana.

20 **SEC. 4012. CITY OF MACKINAC ISLAND, MICHIGAN.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for navigation at the  
23 city of Mackinac Island, Michigan.



1 **SEC. 4013. CHICAGO, ILLINOIS.**

2 Section 425(a) of the Water Resources Development  
3 Act of 2000 (114 Stat. 2638) is amended by inserting  
4 “Lake Michigan and” before “the Chicago River”.

5 **SEC. 4014. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**  
6 **LINOIS.**

7 The Secretary shall conduct a study to determine the  
8 feasibility of carrying out a project for ecosystem restora-  
9 tion at the South Fork of the South Branch of the Chicago  
10 River, Chicago, Illinois.

11 **SEC. 4015. ARTHUR KILL CHANNEL AND MORSES CREEK TO**  
12 **PERTH AMBOY, NEW JERSEY.**

13 The Secretary shall reevaluate the results of the  
14 study for the project for navigation, Arthur Kill Channel  
15 and Morses Creek to Perth Amboy, New Jersey, to deter-  
16 mine whether the benefits of the project have increased  
17 as a result of a change in circumstances. In conducting  
18 the reevaluation, the Secretary shall review the locally pre-  
19 pared study entitled “Pre-Feasibility Study for Channel  
20 Improvements—Arthur Kill from Morses Creek to Perth  
21 Amboy and Raritan Bay Approaches”.

22 **SEC. 4017. PUEBLO OF ZUNI, NEW MEXICO.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out projects for water resources de-  
25 velopment, environmental restoration, and natural re-  
26 sources protection for the Pueblo of Zuni, New Mexico,

1 under section 203 of the Water Resources Development  
2 Act of 2000 (33 U.S.C. 2269).

3 **SEC. 4018. HUDSON-RARITAN ESTUARY, NEW YORK AND**  
4 **NEW JERSEY.**

5 In carrying out the study for environmental restora-  
6 tion, Hudson-Raritan Estuary, New York and New Jer-  
7 sey, the Secretary shall establish and utilize watershed res-  
8 toration teams composed of estuary restoration experts  
9 from the Corps of Engineers, the New Jersey Department  
10 of Environmental Protection, and the Port Authority of  
11 New York and New Jersey and other experts designated  
12 by the Secretary for the purpose of developing habitat res-  
13 toration and water quality enhancement.

14 **SEC. 4019. SAC AND FOX NATION, OKLAHOMA.**

15 The Secretary shall complete a water and related  
16 land resource conservation and management plan for the  
17 Sac and Fox Nation, Oklahoma, under section 203 of the  
18 Water Resources Development Act of 2000 (33 U.S.C.  
19 2269).

20 **SEC. 4020. SUTHERLIN, OREGON.**

21 (a) STUDY.—The Secretary shall conduct a study of  
22 water resources along Sutherlin Creek in the vicinity of  
23 Sutherlin, Oregon, to determine the feasibility of carrying  
24 out a project to restore and enhance aquatic resources  
25 using a combination of structural and bioengineering tech-

1 niques and, if the Secretary determines that the project  
2 is feasible, may carry out the project.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$2,500,000.

6 **SEC. 4021. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
7 **IMPROVEMENTS, OREGON.**

8 (a) STUDY.—The Secretary shall conduct a study to  
9 determine the feasibility of undertaking ecosystem restora-  
10 tion and fish passage improvements on rivers throughout  
11 the State of Oregon.

12 (b) REQUIREMENTS.—In carrying out the study, the  
13 Secretary shall—

14 (1) work in coordination with the State of Or-  
15 egon, local governments, and other Federal agencies;  
16 and

17 (2) place emphasis on—

18 (A) fish passage and conservation and res-  
19 toration strategies to benefit species that are  
20 listed or proposed for listing as threatened or  
21 endangered species under the Endangered Spe-  
22 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

23 (B) other watershed restoration objectives.

24 (c) PILOT PROGRAM.—

1           (1) IN GENERAL.—In conjunction with con-  
2           ducting the study under subsection (a), the Sec-  
3           retary may carry out pilot projects to demonstrate  
4           the effectiveness of ecosystem restoration and fish  
5           passages.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—  
7           There is authorized to be appropriated \$5,000,000  
8           to carry out this subsection.

9   **SEC. 4022. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**  
10                   **SYSTEM RESTORATION AND PROTECTION.**

11          The Secretary shall conduct a study to determine the  
12          feasibility of carrying out aquatic ecosystem restoration  
13          and protection projects in the counties of Lackawanna,  
14          Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sul-  
15          livan, Bradford, Northumberland, Union, Snyder, and  
16          Montour, Pennsylvania, particularly as related to aban-  
17          doned mine drainage abatement and reestablishment of  
18          stream and river channels.

19   **SEC. 4023. SABINE PASS TO GALVESTON BAY, TEXAS.**

20          In conducting a feasibility study for shore protection  
21          and related improvements between Sabine Pass and the  
22          entrance to Galveston Bay, Texas, the Secretary may in-  
23          clude any benefits related to the use of State Highway  
24          87 as an emergency evacuation route in the determination  
25          of national economic development benefits of the project.

1 **SEC. 4024 CHEHALIS RIVER BASIN, WASHINGTON.**

2       The Secretary shall conduct a river basin study for  
3 the Chehalis River basin, Washington, including a study  
4 of the uses of the basin's water resources to assist users  
5 in developing a fair and equitable distribution of such re-  
6 sources.

7 **SEC. 4025. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

8       The Secretary may accept from the non-Federal in-  
9 terest to pay all or a part of the non-Federal share of  
10 the cost of feasibility study for the project for flood control  
11 in the vicinity of Sprague, Lincoln County, Washington,  
12 funds made available under any other Federal program  
13 if such use of the funds is permitted under the Federal  
14 program.

15 **SEC. 4026. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
16 **VIRGINIA.**

17       The Secretary shall conduct a study to determine the  
18 feasibility of carrying out aquatic ecosystem restoration  
19 and protection projects in the watersheds of the  
20 Monongahela River basin lying within the counties of  
21 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,  
22 Doddridge, Monongalia, Marion, Harrison, Taylor,  
23 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,  
24 Brooke, and Ritchie, West Virginia, particularly as re-  
25 lated to abandoned mine drainage abatement.

1 **SEC. 4027 WAUWATOSA, WISCONSIN.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction and environmental restoration, Menomonee River  
5 and Underwood Creek, Wauwatosa, Wisconsin.

6           **TITLE V—MISCELLANEOUS**  
7           **PROVISIONS**

8 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

9       (a) IN GENERAL.—Upon request of a non-Federal in-  
10 terest, the Secretary shall be responsible for maintenance  
11 of the following navigation channels and breakwaters con-  
12 structed or improved by the non-Federal interest if the  
13 Secretary determines that such maintenance is economi-  
14 cally justified and environmentally acceptable and that the  
15 channel or breakwater was constructed in accordance with  
16 applicable permits and appropriate engineering and design  
17 standards:

18           (1) Pix Bayou navigation channel, Chambers  
19 County, Texas.

20           (2) Pidgeon Industrial Harbor, Pidgeon Indus-  
21 trial Park, Memphis Harbor, Tennessee.

22           (3) Racine Harbor, Wisconsin.

23       (b) COMPLETION OF ASSESSMENT.—Not later than  
24 6 months after the date of receipt of a request from a  
25 non-Federal interest for Federal assumption of mainte-  
26 nance of a channel listed in subsection (a), the Secretary

1 shall make a determination as provided in subsection (a)  
2 and advise the non-Federal interest of the Secretary's de-  
3 termination.

4 (c) SABINE-NECHES WATERWAY, TEXAS.—The Sec-  
5 retary shall remove sunken vessels and debris between  
6 miles 35 and 43 of the Channel to Orange, Sabine-Neches  
7 Waterway, Texas, for the purpose of improving navigation  
8 safety and reducing the risk to the public.

9 **SEC. 5002. WATERSHED MANAGEMENT.**

10 (a) IN GENERAL.—The Secretary may provide tech-  
11 nical, planning, and design assistance to non-Federal in-  
12 terests for carrying out watershed management, restora-  
13 tion, and development projects at the locations described  
14 in subsection (d).

15 (b) SPECIFIC MEASURES.—Assistance provided  
16 under subsection (a) may be in support of non-Federal  
17 projects for the following purposes:

18 (1) Management and restoration of water qual-  
19 ity.

20 (2) Control and remediation of toxic sediments.

21 (3) Restoration of degraded streams, rivers,  
22 wetlands, and other waterbodies to their natural  
23 condition as a means to control flooding, excessive  
24 erosion, and sedimentation.

1           (4) Protection and restoration of watersheds,  
2           including urban watersheds.

3           (5) Demonstration of technologies for non-  
4           structural measures to reduce destructive impacts of  
5           flooding.

6           (c) NON-FEDERAL SHARE.—The non-Federal share  
7           of the cost of assistance provided under subsection (a)  
8           shall be 50 percent.

9           (d) PROJECT LOCATIONS.—The locations referred to  
10          in subsection (a) are the following:

11           (1) Spring Branch watershed, Huntsville, Ala-  
12          bama.

13           (2) Tuolumne County, California.

14           (3) Cucamonga basin, Upland, California.

15           (4) Kinkaid Lake, Jackson County, Illinois.

16           (5) Those portions of the watersheds of the  
17          Concord, Charles, Blackstone, Neponset, Taunton,  
18          Nashua, Shawsheen, and Merrimack Rivers, Massa-  
19          chusetts, lying within the Interstate Route 495 cor-  
20          ridor.

21           (6) Jackson Brook watershed, New Jersey.

22           (7) Those portions of the watersheds of the  
23          Beaver, Upper Ohio, Connoquenessing, Lower Alle-  
24          gheny, Kiskiminetas, Lower Monongahela,  
25          Youghiogheny, Shenango, and Mahoning Rivers



1       lying within the counties of Beaver, Butler, Law-  
2       rence, and Mercer, Pennsylvania.

3           (8) Southampton Creek watershed, South-  
4       ampton, Pennsylvania.

5           (9) Unami Creek watershed, Milford Township,  
6       Pennsylvania.

7           (10) Amite River basin, Louisiana.

8           (11) Iberville Parish, East Atchafalaya River  
9       basin, Louisiana.

10          (12) Genesee River watershed, New York.

11          (13) Tonawanda Creek watershed, New York.

12          (14) Buffalo River watershed, New York.

13          (15) Eighteenmile Creek watershed, Niagara  
14       County, New York.

15          (16) Cattaraugus Creek watershed, New York.

16          (17) Oswego River basin, New York.

17          (18) Red River watershed, Louisiana.

18       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19       authorized to be appropriated to carry out this section  
20       \$15,000,000.

21       **SEC. 5003. DAM SAFETY.**

22       (a) ASSISTANCE.—The Secretary may provide assist-  
23       ance to enhance dam safety at the following locations:

24           (1) Mountain Park Dam, Mountain Park, Geor-  
25       gia.

1 (2) Barber Dam, Ada County, Idaho.

2 (3) Fish Creek Dam, Blaine County, Idaho.

3 (4) Lost Valley Dam, Adams County, Idaho.

4 (5) Salmon Falls Dam, Twin Falls County,  
5 Idaho.

6 (6) Whaley Lake Dam, Pawling, New York.

7 (7) Lake Carl Blackwell Dam, Stillwater, Okla-  
8 homa.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$6,000,000.

12 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

13 (a) IN GENERAL.—Upon request of a non-Federal in-  
14 terest, the Secretary shall evaluate the structural integrity  
15 and effectiveness of a project for flood damage reduction  
16 and, if the Secretary determines that the project does not  
17 meet such minimum standards as the Secretary may es-  
18 tablish and, absent action by the Secretary, the project  
19 will fail, the Secretary may take such action as may be  
20 necessary to restore the integrity and effectiveness of the  
21 project.

22 (b) PRIORITY.—The Secretary shall evaluate under  
23 subsection (a) the following projects:

1           (1) Project for flood damage reduction, Arkan-  
 2           sas River Levees, river mile 205 to river mile 308.4,  
 3           Arkansas.

4           (2) Project for flood damage reduction,  
 5           Marianna Borough, Pennsylvania.

6           (3) Project for flood damage reduction,  
 7           Nonconnah Creek, Tennessee.

8   **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

9           Section 212(e) of the Water Resources Development  
 10          Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is  
 11          amended—

12           (1) by striking “and” at the end of paragraph  
 13          (27);

14           (2) by striking the period at the end of para-  
 15          graph (28) and inserting a semicolon; and

16           (3) by adding at the end the following:

17           “(29) La Crosse County, Wisconsin;

18           “(30) Crawford County, Wisconsin;

19           “(31) Buffalo County, Wisconsin;

20           “(32) Calhoun County, Illinois;

21           “(33) Saint Charles County, Missouri;

22           “(34) Saint Louis County, Missouri;

23           “(35) Dubuque County, Iowa;

24           “(36) Scott County, Iowa;

25           “(37) Rock Island County, Illinois;

1 “(38) Ascension Parish, Louisiana;

2 “(39) East Baton Rouge Parish, Louisiana;

3 “(40) Iberville Parish, Louisiana; and

4 “(41) Livingston Parish, Louisiana.”.

5 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**  
6 **PROJECTS.**

7 Section 219(e) of the Water Resources Development  
8 Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat.  
9 334) is amended—

10 (1) by striking “and” at the end of paragraph  
11 (7);

12 (2) by striking the period at the end of para-  
13 graph (8) and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(9) \$20,000,000 for the project described in  
16 subsection (c)(20);

17 “(10) \$20,000,000 for the project described in  
18 subsection (c)(25);

19 “(11) \$15,000,000 for the project described in  
20 subsection (c)(26);

21 “(12) \$7,800,000 for the project described in  
22 subsection (c)(27);

23 “(13) \$18,000,000 for the project described in  
24 subsection (c)(31); and

1           “(14) \$30,000,000 for the project described in  
2       subsection (c)(40).”.

3   **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**  
4           **CONSTRUCTION FOR CERTAIN PROJECTS.**

5       The Secretary shall expedite completion of the re-  
6   ports and, if the Secretary determines the project is fea-  
7   sible, shall expedite completion of construction for the fol-  
8   lowing projects:

9           (1) Welch Point, Elk River, Cecil County,  
10       Maryland, and Chesapeake, Maryland, being carried  
11       out under section 535 of the Water Resources Devel-  
12       opment Act of 1999 (113 Stat. 348–349).

13          (2) West View Shores, Cecil County, Maryland,  
14       being carried out under section 521 of the Water  
15       Resources Development Act of 2000 (114. Stat.  
16       2655).

17          (3) Sylvan Beach Breakwater, Verona, Oneida  
18       County, New York, being carried out under section  
19       3 of the Act entitled “An Act authorizing Federal  
20       participation in the cost of protecting the shores of  
21       publicly owned property”, approved August 13, 1946  
22       (33 U.S.C. 426g).

23          (4) Fulmer Creek, Village of Mohawk, New  
24       York, being carried out under section 205 of the  
25       Flood Control Act of 1948 (33 U.S.C. 701s).

1           (5) Moyer Creek, Village of Frankfort, New  
2       York, being carried out under section 205 of the  
3       Flood Control Act of 1948 (33 U.S.C. 701s).

4           (6) Steele Creek, Village of Ilion, New York,  
5       being carried out under section 205 of the Flood  
6       Control Act of 1948 (33 U.S.C. 701s).

7   **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
8                   **TAIN PROJECTS.**

9       The Secretary shall expedite completion of the re-  
10      ports for the following projects and, if the Secretary deter-  
11      mines that a project is justified in the completed report,  
12      proceed directly to project preconstruction, engineering,  
13      and design:

14           (1) Project for flood damage reduction and eco-  
15      system restoration, Sacramento and San Joaquin  
16      River basins, Hamilton, California.

17           (2) Project for ecosystem restoration, Univer-  
18      sity Lake, Baton Rouge, Louisiana.

19           (3) Project for shoreline protection, Detroit  
20      River Greenway Corridor, Detroit, Michigan.

21   **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**  
22                   **MENT.**

23      The Secretary may provide assistance to a coordi-  
24      nated effort by Federal, State, and local agencies, non-  
25      Federal and nonprofit entities, regional researchers, and

1 other interested parties to assess the water resources and  
 2 water resources needs of river basins and watersheds of  
 3 the southeastern United States.

4 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
 5 **MANAGEMENT PROGRAM.**

6 Section 1103(e)(7)(A) of the Water Resources Devel-  
 7 opment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended  
 8 by adding at the end the following: “The non-Federal in-  
 9 terest may provide the non-Federal share of the cost of  
 10 the project in the form of services, materials, supplies, or  
 11 other in-kind contributions.”.

12 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
 13 **HANCEMENT PROJECT.**

14 Section 514(g) of the Water Resources Development  
 15 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
 16 by striking “and 2004” and inserting “through 2015”.

17 **SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

18 Section 904(b)(1)(B) of the Water Resources Devel-  
 19 opment Act of 2000 (114 Stat. 2708) is amended—

20 (1) by striking “and” at the end of clause (vii);

21 (2) by redesignating clause (viii) as clause (ix);

22 and

23 (3) by inserting after clause (vii) the following:

24 “(viii) rural water systems; and”.

1 **SEC. 5014. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
2 **TORATION.**

3 Section 506(f)(3)(B) of the Water Resources Devel-  
4 opment Act of 2000 (42 U.S.C. 1962d; 114 Stat. 2646)  
5 is amended by striking “50 percent” and inserting “100  
6 percent”.

7 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
8 **RIVER BASINS.**

9 (a) EX OFFICIO MEMBER.—Notwithstanding section  
10 3001(a) of the 1997 Emergency Supplemental Appropria-  
11 tions Act for Recovery From Natural Disasters, and for  
12 Overseas Peacekeeping Efforts, Including Those in Bosnia  
13 (111 Stat. 176) and section 2.2 of both the Susquehanna  
14 River Basin Compact (Public Law 91–575) and the Dela-  
15 ware River Basin Compact (Public Law 87–328), begin-  
16 ning in fiscal year 2002 and thereafter, the Division Engi-  
17 neer, North Atlantic Division, Corps of Engineers, shall  
18 be the ex officio United States member under the Susque-  
19 hanna River Basin Compact and the Delaware River  
20 Basin Compact, who shall serve without additional com-  
21 pensation and who may designate an alternate member or  
22 members in accordance with the terms of those respective  
23 compacts.

24 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
25 may allocate funds to the Susquehanna River Basin Com-  
26 mission, Delaware River Basin Commission, and the



1 Interstate Commission on the Potomac River Basin (Poto-  
2 mac River Basin Compact (Public Law 91–407)) to fulfill  
3 the equitable funding requirements of their respective  
4 interstate compacts.

5 (c) WATER SUPPLY AND CONSERVATION STOR-  
6 AGE.—The Secretary shall enter into an agreement with  
7 the Delaware River Basin Commission to provide tem-  
8 porary water supply and conservation storage at the  
9 Francis E. Walter Dam, Pennsylvania, during any period  
10 in which the Commission has determined that a drought  
11 warning or drought emergency exists. The agreement shall  
12 provide that the cost for any such water supply and con-  
13 servation storage shall not exceed the incremental oper-  
14 ating costs associated with providing the storage.

15 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
16 **TION AND PROTECTION PROGRAM.**

17 Section 510(i) of the Water Resources Development  
18 Act of 1996 (110 Stat. 3761) is amended by striking  
19 “\$10,000,000” and inserting “\$30,000,000”.

20 **SEC. 5018. MONTGOMERY, ALABAMA.**

21 The Secretary shall review the navigation and aquatic  
22 ecosystem restoration components of the Montgomery  
23 Riverfront and Downtown Master Plan, Montgomery, Ala-  
24 bama, dated May 2001, and prepared by the non-Federal  
25 interest and, if the Secretary determines that those com-

ponents meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed \$5,000,000.

**SEC. 5019. ALASKA.**

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking “\$25,000,000” and inserting “\$40,000,000”; and

(3) by adding at the end the following:

“(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

“(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5020. AKUTAN SMALL BOAT HARBOR, ALASKA.**

(a) IN GENERAL.—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and

1 upon completion of the feasibility study, shall design and  
2 construct the project, if the Secretary determines that the  
3 project is feasible.

4 (b) TREATMENT OF CERTAIN DREDGING.—The  
5 headlands dredging for the mooring basin shall be consid-  
6 ered general navigation feature for purposes of estimating  
7 the non-Federal share of the cost of the project.

8 **SEC. 5021. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

9 (a) LONG-TERM MAINTENANCE AND REPAIR.—The  
10 Secretary shall assume responsibility for the long-term  
11 maintenance and repair of the Lowell Creek Tunnel.

12 (b) STUDY.—The Secretary shall conduct a study to  
13 determine whether alternative methods of flood diversion  
14 in Lowell Canyon are feasible.

15 **SEC. 5022. ST. HERMAN HARBOR, KODIAK, ALASKA.**

16 The Secretary shall carry out, on an emergency basis,  
17 necessary removal of rubble, sediment, and rock that are  
18 impeding the entrance to the St. Herman Harbor, Kodiak,  
19 Alaska, at a Federal cost of \$2,000,000.

20 **SEC. 5023. AUGUSTA AND CLARENDON, ARKANSAS.**

21 (a) IN GENERAL.—The Secretary is authorized to  
22 perform operation, maintenance, and rehabilitation of au-  
23 thorized and completed levees on the White River between  
24 Augusta and Clarendon, Arkansas.

1 (b) REIMBURSEMENT.—After performing the oper-  
 2 ation, maintenance, and rehabilitation under subsection  
 3 (a), the Secretary shall seek reimbursement from the Sec-  
 4 retary of the Interior of an amount equal to the costs allo-  
 5 cated to benefits to a Federal wildlife refuge of such oper-  
 6 ation, maintenance, and rehabilitation.

7 **SEC. 5024. LOOMIS LANDING, ARKANSAS.**

8 The Secretary shall conduct a study of shore damage  
 9 in the vicinity of Loomis Landing, Arkansas, to determine  
 10 if the damage is the result of a Federal navigation project,  
 11 and, if the Secretary determines that the damage is the  
 12 result of a Federal navigation project, the Secretary shall  
 13 carry out a project to mitigate the damage under section  
 14 111 of the River and Harbor Act of 1968 (33 U.S.C.  
 15 426i).

16 **SEC. 5025. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
 17 **TION PROJECT, ARKANSAS.**

18 The McClellan-Kerr Arkansas River navigation and  
 19 comprehensive development project, Arkansas, authorized  
 20 by the Act entitled “An Act authorizing the construction  
 21 of certain public works on rivers and harbors for flood con-  
 22 trol, and for other purposes”, approved June 28, 1938 (52  
 23 Stat. 1215), and the first section of the River and Harbor  
 24 Act of 1946 (60 Stat. 364) and modified by section 108  
 25 of the Energy and Water Development Appropriations

1 Act, 1988 (101 Stat. 1329–112), is further modified to  
 2 authorize a project depth of 12 feet in the State of Arkan-  
 3 sas.

4 **SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
 5 **SOURI.**

6 The Secretary shall conduct a study of increased sil-  
 7 tation and streambank erosion in the St. Francis River  
 8 basin, Arkansas and Missouri, to determine if the siltation  
 9 or erosion, or both, are the result of a Federal flood con-  
 10 trol project and, if the Secretary determines that the silta-  
 11 tion or erosion, or both, are the result of a Federal flood  
 12 control project, the Secretary shall carry out a project to  
 13 mitigate the siltation or erosion, or both.

14 **SEC. 5026. CAMBRIA, CALIFORNIA.**

15 Section 219(f)(48) of the Water Resources Develop-  
 16 ment Act of 1992 (114 Stat. 2763A–220) is amended—

17 (1) by striking “\$10,300,000” and inserting the  
 18 following:

19 “(A) IN GENERAL.—\$10,300,000”;

20 (2) by adding at the end the following:

21 “(B) CREDIT.—The Secretary shall credit  
 22 toward the non-Federal share of the cost of the  
 23 project not to exceed \$3,000,000 for the cost of  
 24 planning and design work carried out by the  
 25 non-Federal interest before the date of the

1 partnership agreement for the project if the  
2 Secretary determines that the work is integral  
3 to the project.”; and

4 (3) by aligning the remainder of the text of  
5 subparagraph (A) (as designated by paragraph (1)  
6 of this section) with subparagraph (B) (as added by  
7 paragraph (2) of this section).

8 **SEC. 5027. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

9 Section 219(f)(22) of the Water Resources Develop-  
10 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)  
11 is amended—

12 (1) by striking “\$25,000,000” and inserting the  
13 following:

14 “(A) IN GENERAL.—\$25,000,000”;

15 (2) by adding at the end the following:

16 “(B) CREDIT.—The Secretary shall credit  
17 toward the non-Federal share of the cost of the  
18 project (i) the cost of design and construction  
19 work carried out by the non-Federal interest  
20 before the date of the partnership agreement  
21 for the project if the Secretary determines that  
22 the work is integral to the project; and (ii) the  
23 cost of in-kind services and materials provided  
24 for the project by the non-Federal interest.

1           “(C) IN-KIND CONTRIBUTIONS.—The non-  
 2           Federal interest may provide any portion of the  
 3           non-Federal share of the cost of the project in  
 4           the form of services, materials, supplies, or  
 5           other in-kind contributions.”; and

6           (3) by aligning the remainder of the text of  
 7           subparagraph (A) (as designated by paragraph (1)  
 8           of this section) with subparagraph (B) (as added by  
 9           paragraph (2) of this section).

10 **SEC. 5028. SACRAMENTO AREA, CALIFORNIA.**

11           Section 219(f)(23) of the Water Resources Develop-  
 12           ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)  
 13           is amended—

14           (1) by striking “\$25,000,000” and inserting  
 15           “\$35,000,000”; and

16           (2) by inserting “water supply and” before “re-  
 17           gional”; and

18           (3) by adding at the end the following:  
 19           “\$\_\_\_\_\_ for wastewater and water sup-  
 20           ply infrastructure in the counties of Modoc, Lassen,  
 21           Plumas, Butte, Sierra, Nevada, El Dorado, and  
 22           Placer, California.”.

23 **SEC. 5029. SAN FRANCISCO, CALIFORNIA.**

24           (a) PIER 70 WHARF 5 REMOVAL AND DREDGING  
 25           PROJECT.—The Secretary, in cooperation with the Port

1 of San Francisco, shall carry out the project for removal  
2 of Wharf 5 and associated pilings and dredgings at Pier  
3 70 in San Francisco, California, substantially in accord-  
4 ance with the Port's redevelopment plans.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated \$1,600,000 to carry out this  
7 section.

8 **SEC. 5030. SAN FRANCISCO, CALIFORNIA, WATERFRONT**  
9 **AREA.**

10 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-  
11 LIC INTEREST.—Unless the Secretary finds, after con-  
12 sultation with local and regional public officials (including  
13 local and regional public planning organizations), that the  
14 proposed projects to be undertaken within the boundaries  
15 of the portion of the San Francisco, California, waterfront  
16 area described in subsection (b) are not in the public inter-  
17 est, such portion is declared to be nonnavigable waters of  
18 the United States.

19 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT  
20 STREET.—The portion of the San Francisco, California,  
21 waterfront area referred to in subsection (a) is as follows:  
22 Beginning at the intersection of the northwesterly line of  
23 Bryant Street with the southwesterly line of Spear Street,  
24 which intersection lies on the line of jurisdiction of the  
25 San Francisco Port Authority; following thence westerly



1 and southerly along said line of jurisdiction as described  
2 in the State of California Harbor and Navigable Code Sec-  
3 tion 1770, as amended in 1961, to its intersection with  
4 the easterly line of Townsend Street produced southerly;  
5 thence northerly along said easterly line of Townsend  
6 Street produced to its intersection with the United States  
7 Government pier-head line; thence following said pier-head  
8 line westerly and northerly to its intersection with the ex-  
9 isting boundary line of Piers 30/32, then northerly and  
10 easterly along the existing boundary of Piers 30/32 until  
11 its intersection with the United States Government pier-  
12 head line, thence following said pier-head line westerly and  
13 northerly to the northwesterly line of Bryant Street pro-  
14 duced northwesterly; thence southwesterly along said  
15 northwesterly line of Bryant Street produced to the point  
16 of beginning.

17 (c) REQUIREMENT THAT AREA BE IMPROVED.—The  
18 declaration of nonnavigability under subsection (a) applies  
19 only to those parts of the area described in subsection (b)  
20 that are or will be bulkheaded, filled, or otherwise occupied  
21 by permanent structures and does not affect the applica-  
22 bility of any Federal statute or regulation applicable to  
23 such parts the day before the date of enactment of this  
24 Act, including sections 9 and 10 of the Act of March 3,  
25 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly

1 known as the Rivers and Harbors Appropriation Act of  
2 1899, section 404 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1344), and the National Environmental  
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 (d) EXPIRATION DATE.—If, 20 years from the date  
6 of enactment of this Act, any area or part thereof de-  
7 scribed in subsection (b) is not bulkheaded or filled or oc-  
8 cupied by permanent structures, including marina facili-  
9 ties, in accordance with the requirements set out in sub-  
10 section (c), or if work in connection with any activity per-  
11 mitted in subsection (c) is not commenced within 5 years  
12 after issuance of such permits, then the declaration of  
13 nonnavigability for such area or part thereof shall expire.

14 **SEC. 5031. STOCKTON, CALIFORNIA.**

15 (a) REEVALUATION.—The Secretary shall reevaluate  
16 the feasibility of the Lower Mosher Slough element and  
17 the levee extensions on the Upper Calaveras River element  
18 of the project for flood control, Stockton Metropolitan  
19 Area, California, carried out under section 211(f)(3) of the  
20 Water Resources Development Act of 1996 (110 Stat.  
21 3683), to determine the eligibility of such elements for re-  
22 imbursement under section 211 of such Act (33 U.S.C.  
23 701b–13).

24 (b) SPECIAL RULES FOR REEVALUATION.—In con-  
25 ducting the reevaluation under subsection (a), the Sec-

1 retary shall not reject a feasibility determination based on  
 2 policies of the Corps of Engineers concerning the fre-  
 3 quency of flooding, the drainage area, and the amount of  
 4 runoff.

5 (c) REIMBURSEMENT.—If the Secretary determines  
 6 that the elements referred to subsection (a) are feasible,  
 7 the Secretary shall reimburse, subject to appropriations,  
 8 the non-Federal interest under section 211 of the Water  
 9 Resources Development Act of 1996 for the Federal share  
 10 of the cost of such elements.

11 **SEC. 5032. EVERGLADES RESTORATION, FLORIDA.**

12 (a) COMPREHENSIVE PLAN.—

13 (1) HILLSBORO AND OKEECHOBEE AQUIFER.—

14 Section 601(b)(2)(A) of the Water Resources Devel-  
 15 opment Act of 2000 (114 Stat. 2681) is amended—

16 (A) in clause (i) by adding at the end the  
 17 following: “The project for aquifer storage and  
 18 recovery, Hillsboro and Okeechobee Aquifer,  
 19 Florida, authorized by section 101(a)(16) of the  
 20 Water Resources Development Act of 1999  
 21 (113 Stat. 276), shall be treated for purposes  
 22 of this section as being in the Plan.”; and

23 (B) in clause (iii) by inserting after “sub-  
 24 paragraph (B)” the following: “and the project

1           for aquifer storage and recovery, Hillsboro and  
2           Okeechobee Aquifer”.

3           (2) OUTREACH AND ASSISTANCE.—Section  
4           601(k) of such Act (114 Stat. 2691–2692) is  
5           amended by adding at the end the following:

6           “(3) MAXIMUM EXPENDITURES.—The Sec-  
7           retary may expend up to \$3,000,000 per fiscal year  
8           for fiscal years beginning after September 30, 2002,  
9           to carry out this subsection.”.

10          (b) CRITICAL RESTORATION PROJECTS.—Section  
11          528(b)(3)(C) of the Water Resources Development Act of  
12          1996 (110 Stat. 3769; 113 Stat. 286) is amended—

13               (1) in clause (i) by striking “\$75,000,000” and  
14               all that follows through “2003” and inserting  
15               “\$95,000,000”; and

16               (2) in clause (ii) by striking “\$25,000,000” and  
17               inserting “\$30,000,000”.

18 **SEC. 5033. LAKE LANIER, GEORGIA**

19          The Secretary may assist local interests with plan-  
20          ning, design, and construction of facilities at the Lake La-  
21          nier Olympic Center, Georgia, in support of the 2003  
22          World Kayaking Championships, at a total cost of  
23          \$5,300,000.

1 **SEC. 5034. RILEY CREEK RECREATION AREA, IDAHO.**

2       The Secretary is authorized to carry out the Riley  
3 Creek Recreation Area Operation Plan of the Albeni Falls  
4 Management Plan, dated October 2001, for the Riley  
5 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-  
6 ty, Idaho.

7 **SEC. 5035. GRAND TOWER DRAINAGE AND LEVEES, GRAND**  
8 **TOWER TOWNSHIP, ILLINOIS.**

9       (a) IN GENERAL.—The Secretary is authorized to  
10 perform operation and maintenance of authorized and  
11 completed levees on the Mississippi River in Grand Tower  
12 Township, Illinois.

13       (b) ALLOCATION OF COSTS.—The Secretary shall al-  
14 locate the cost of operation and maintenance performed  
15 under subsection (a) on the basis of whether the lands pro-  
16 tected by the levees are owned by the United States.

17       (c) NON-FEDERAL COSTS.—If the lands protected by  
18 the levees are not owned by the United States, the cost  
19 of operation and maintenance allocated to protecting such  
20 lands under subsection (b) shall be a non-Federal cost.

21       (d) FEDERAL COSTS.—If the lands protected by the  
22 levees are owned by the United States, the cost of oper-  
23 ation and maintenance allocated to protecting such lands  
24 under subsection (b) shall be a Federal cost. After per-  
25 forming the operation and maintenance under subsection  
26 (a), the Secretary shall seek reimbursement from the Sec-

1 retary of the Agriculture of an amount equal to the costs  
2 allocated to protecting lands owned by the Department of  
3 Agriculture.

4 **SEC. 5036. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**  
5 **TION.**

6 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-  
7 tion, the term “Kaskaskia River basin” means the  
8 Kaskaskia River, Illinois, its backwaters, its side channels,  
9 and all tributaries, including their watersheds, draining  
10 into the Kaskaskia River.

11 (b) COMPREHENSIVE PLAN.—

12 (1) DEVELOPMENT.—The Secretary shall de-  
13 velop, as expeditiously as practicable, a comprehen-  
14 sive plan for the purpose of restoring, preserving,  
15 and protecting the Kaskaskia River basin.

16 (2) TECHNOLOGIES AND INNOVATIVE AP-  
17 PROACHES.—The comprehensive plan shall provide  
18 for the development of new technologies and innova-  
19 tive approaches—

20 (A) to enhance the Kaskaskia River as a  
21 transportation corridor;

22 (B) to improve water quality within the en-  
23 tire Kaskaskia River basin;

24 (C) to restore, enhance, and preserve habi-  
25 tat for plants and wildlife;

1 (D) to increase economic opportunity for  
2 agriculture and business communities; and

3 (E) to reduce the impacts of flooding to  
4 communities and landowners.

5 (3) SPECIFIC COMPONENTS.—The comprehen-  
6 sive plan shall include such features as are necessary  
7 to provide for—

8 (A) the development and implementation of  
9 a program for sediment removal technology,  
10 sediment characterization, sediment transport,  
11 and beneficial uses of sediment;

12 (B) the development and implementation  
13 of a program for the planning, conservation,  
14 evaluation, and construction of measures for  
15 fish and wildlife habitat conservation and reha-  
16 bilitation, and stabilization and enhancement of  
17 land and water resources in the basin;

18 (C) the development and implementation of  
19 a long-term resource monitoring program;

20 (D) the development and implementation  
21 of a computerized inventory and analysis sys-  
22 tem; and

23 (E) the development and implementation  
24 of a systemic plan to reduce flood impacts by  
25 means of ecosystem restoration projects.

1           (4) CONSULTATION.—The comprehensive plan  
2       shall be developed by the Secretary in consultation  
3       with appropriate Federal agencies, the State of Illi-  
4       nois, and the Kaskaskia River Coordinating Council.

5           (5) REPORT TO CONGRESS.—Not later than 2  
6       years after the date of enactment of this Act, the  
7       Secretary shall transmit to Congress a report con-  
8       taining the comprehensive plan.

9           (6) ADDITIONAL STUDIES AND ANALYSES.—  
10      After transmission of a report under paragraph (5),  
11      the Secretary shall conduct studies and analyses of  
12      projects related to the comprehensive plan that are  
13      appropriate and consistent with this subsection.

14      (c) GENERAL PROVISIONS.—

15           (1) WATER QUALITY.—In carrying out activi-  
16      ties under this section, the Secretary's recommenda-  
17      tions shall be consistent with applicable State water  
18      quality standards.

19           (2) PUBLIC PARTICIPATION.—In developing the  
20      comprehensive plan under subsection (b), the Sec-  
21      retary shall implement procedures to facilitate public  
22      participation, including providing advance notice of  
23      meetings, providing adequate opportunity for public  
24      input and comment, maintaining appropriate



1 records, and making a record of the proceedings of  
2 meetings available for public inspection.

3 (d) COORDINATION.—The Secretary shall integrate  
4 activities carried out under this section with ongoing Fed-  
5 eral and State programs, projects, and activities, including  
6 the following:

7 (1) Farm programs of the Department of Agri-  
8 culture.

9 (2) Conservation Reserve Enhancement Pro-  
10 gram (State of Illinois) and Conservation 2000 Eco-  
11 system Program of the Illinois Department of Nat-  
12 ural Resources.

13 (3) Conservation 2000 Conservation Practices  
14 Program and the Livestock Management Facilities  
15 Act administered by the Illinois Department of Agri-  
16 culture.

17 (4) National Buffer Initiative of the Natural  
18 Resources Conservation Service.

19 (5) Nonpoint source grant program adminis-  
20 tered by the Illinois Environmental Protection Agen-  
21 cy.

22 (e) COST SHARING.—

23 (1) IN GENERAL.—The non-Federal share of  
24 the cost of activities carried out under this section  
25 shall be 35 percent.

1           (2) IN-KIND SERVICES.—The Secretary may  
2       credit the cost of in-kind services provided by the  
3       non-Federal interest for an activity carried out  
4       under this section toward not more than 80 percent  
5       of the non-Federal share of the cost of the activity.  
6       In-kind services shall include all State funds ex-  
7       pended on programs that accomplish the goals of  
8       this section, as determined by the Secretary. The  
9       programs may include the Kaskaskia River Con-  
10      servation Reserve Program, the Illinois Conservation  
11      2000 Program, the Open Lands Trust Fund, and  
12      other appropriate programs carried out in the  
13      Kaskaskia River basin.

14   **SEC. 5037. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**  
15                   **EST, ILLINOIS.**

16       The Secretary shall carry out a project for flood dam-  
17      age reduction under section 205 of the Flood Control Act  
18      of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and  
19      Oak Forest, Illinois, if the Secretary determines that the  
20      project is feasible.

21   **SEC. 5038. ILLINOIS RIVER BASIN RESTORATION.**

22       Section 519(c)(2) of the Water Resources Develop-  
23      ment Act of 2000 (114 Stat. 2654) is amended by striking  
24      “2004” and inserting “2010”.

1 **SEC. 5039. CALUMET REGION, INDIANA.**

2 Section 219(f)(12) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 335) is amended—

4 (1) by striking “\$10,000,000” and inserting  
5 “\$30,000,000”; and

6 (2) by striking “Lake and Porter” and insert-  
7 ing “Benton, Jasper, Lake, Newton, and Porter”.

8 **SEC. 5040. RATHBUN LAKE, IOWA.**

9 (a) CONVEYANCE.—The Secretary shall convey the  
10 remaining water supply storage allocation in Rathbun  
11 Lake, Iowa, to the Rathbun Regional Water Association  
12 (in this section referred to as the “Water Association”).

13 (b) COST SHARING.—Notwithstanding the Water  
14 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-  
15 tion shall pay 100 percent of the cost of the water supply  
16 storage allocation to be conveyed under subsection (a).  
17 The Secretary shall credit toward such non-Federal share  
18 the cost of any structures and facilities constructed by the  
19 Water Association at the project.

20 (c) TERMS AND CONDITIONS.—Before conveying the  
21 water supply storage allocation under subsection (a), the  
22 Secretary shall enter into an agreement with the Water  
23 Association under which the Water Association shall agree  
24 to—

25 (1) in accordance with designs approved by the  
26 Chief of Engineers, construct structures and facili-

1       ties referred to in subsection (b) that have a value  
2       equal to or greater than the amount that otherwise  
3       would be paid to the Federal Government for the  
4       costs of the water supply storage under the Water  
5       Supply Act of 1958 (43 U.S.C. 390b);

6               (2) be responsible for operating and maintain-  
7       ing the structures and facilities;

8               (3) pay all operation and maintenance costs al-  
9       located to the water supply storage space;

10              (4) use any revenues generated at the struc-  
11       tures and facilities that are above those required to  
12       operate and maintain or improve the complex to un-  
13       dertake, subject to the approval of the Chief of En-  
14       gineers, activities that will improve the quality of the  
15       environment in the Rathbun Lake watershed area;  
16       and

17              (5) such other terms and conditions as the Sec-  
18       retary considers necessary to protect the interests of  
19       the United States.

20 **SEC. 5041. MAYFIELD CREEK AND TRIBUTARIES, KEN-**  
21 **TUCKY.**

22       The Secretary shall conduct a study of flood damage  
23       along Mayfield Creek and tributaries between Wickliffe  
24       and Mayfield, Kentucky, to determine if the damage is the  
25       result of a Federal flood damage reduction project, and,

1 if the Secretary determines that the damage is the result  
2 of a Federal flood damage reduction project, the Secretary  
3 shall carry out a project to mitigate the damage at Federal  
4 expense.

5 **SEC. 5042. SOUTHERN AND EASTERN KENTUCKY.**

6 (a) CORPS OF ENGINEERS EXPENSES.—Section 531  
7 of the Water Resources Development Act of 1996 (110  
8 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by  
9 adding the following:

10 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
11 of the amounts appropriated to carry out this section for  
12 fiscal years 2004 and thereafter may be used by the Corps  
13 of Engineers district offices to administer projects under  
14 this section at 100 percent Federal expense.”.

15 **SEC. 5043. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
16 **AND RESTORATION.**

17 (a) DEFINITIONS.—In this section, the following defi-  
18 nitions apply:

19 (1) COASTAL LOUISIANA ECOSYSTEM.—The  
20 term “Coastal Louisiana Ecosystem” means the  
21 coastal area of Louisiana from the Sabine River on  
22 the west to the Pearl River on the east and includes  
23 tidal waters, barrier islands, marshes, coastal wet-  
24 lands, rivers and streams, and adjacent areas.

1           (2) GOVERNOR.—The term “Governor” means  
2     the Governor of Louisiana.

3           (3) TASK FORCE.—The term “Task Force”  
4     means the Coastal Louisiana Ecosystem Protection  
5     and Restoration Task Force established by sub-  
6     section (e).

7     (b) COMPREHENSIVE PLAN.—

8           (1) IN GENERAL.—The Secretary shall develop  
9     a comprehensive plan for the purpose of protecting,  
10    preserving, and restoring the Coastal Louisiana Eco-  
11    system. The comprehensive plan shall provide for the  
12    protection, conservation and restoration of the wet-  
13    lands, barrier islands, shorelines, and related lands  
14    and features that protect critical resources, habitat,  
15    and infrastructure from the impacts of coastal  
16    storms, hurricanes, erosion, and subsidence.

17          (2) DEADLINE.—Not later than July 1, 2004,  
18    the Secretary shall transmit the plan to Congress.

19          (3) CONTENTS.—The plan shall include a com-  
20    prehensive report and a programmatic environmental  
21    impact statement covering the proposed Federal ac-  
22    tion set forth in the plan.

23          (4) ADDITIONAL STUDIES AND ANALYSES.—  
24    After transmission of a report under this subsection,  
25    the Secretary may conduct studies and analyses of

1 projects related to the comprehensive plan that are  
2 appropriate and consistent with this subsection.

3 (c) INTEGRATION OF OTHER ACTIVITIES.—

4 (1) IN GENERAL.—In developing the plan under  
5 subsection (b), the Secretary shall integrate ongoing  
6 Federal and State projects and activities, including  
7 projects implemented under the Coastal Wetlands  
8 Planning, Protection and Restoration Act (16  
9 U.S.C. 3951 et seq.), the Louisiana Coastal Wet-  
10 lands Conservation Plan, the Louisiana Coastal  
11 Zone Management Plan, and the plan of the State  
12 of Louisiana entitled “Coast 2050: Toward a Sus-  
13 tainable Coastal Louisiana”.

14 (2) STATUTORY CONSTRUCTION.—

15 (A) EXISTING AUTHORITY.—Except as  
16 otherwise expressly provided for in this section,  
17 nothing in the section affects any authority in  
18 effect on the date of enactment of this Act, or  
19 any requirement relating to the participation in  
20 protection or restoration activities in the Coast-  
21 al Louisiana Ecosystem, including projects and  
22 activities specified in paragraph (1) of—

- 23 (i) the Department of the Army;  
24 (ii) the Department of the Interior;  
25 (iii) the Department of Commerce;

- 1 (iv) the Environmental Protection  
2 Agency;  
3 (v) the Department of Agriculture;  
4 (vi) the Department of Transpor-  
5 tation;  
6 (vii) the Department of Energy; and  
7 (viii) the State of Louisiana.

8 (B) NEW AUTHORITY.—Nothing in this  
9 section confers any new regulatory authority on  
10 any Federal or non-Federal entity that carries  
11 out any activity authorized by this section.

12 (d) COST SHARING.—The non-Federal share of the  
13 cost of developing the plan under subsection (b) shall be  
14 50 percent.

15 (e) COASTAL LOUISIANA ECOSYSTEM PROTECTION  
16 AND RESTORATION TASK FORCE.—

17 (1) ESTABLISHMENT AND MEMBERSHIP.—  
18 There is established the Coastal Louisiana Eco-  
19 system Protection and Restoration Task Force,  
20 which shall consist of the following members (or, in  
21 the case of the head of a Federal Agency, a designee  
22 at the level of Assistant Secretary or an equivalent  
23 level):

24 (A) The Secretary.

25 (B) The Secretary of the Interior.



1 (C) The Secretary of Commerce.

2 (D) The Administrator of the Environ-  
3 mental Protection Agency.

4 (E) The Secretary of Agriculture.

5 (F) The Secretary of Transportation.

6 (G) The Secretary of Energy.

7 (H) The Coastal Advisor to the Governor.

8 (I) The Secretary of the Louisiana Depart-  
9 ment of Natural Resources.

10 (J) A representative of the Governor's Ad-  
11 visory Commission on Coastal Restoration and  
12 Conservation, Louisiana.

13 (2) DUTIES OF TASK FORCE.—The Task  
14 Force—

15 (A) shall consult with, and provide rec-  
16 ommendations to, the Secretary during develop-  
17 ment of the comprehensive plan under sub-  
18 section (b)(1);

19 (B) shall coordinate the development of  
20 consistent policies, strategies, plans, programs,  
21 projects, activities, and priorities for addressing  
22 the protection, conservation, and restoration of  
23 the Coastal Louisiana Ecosystem;

24 (C) shall exchange information regarding  
25 programs, projects, and activities of the agen-

1           cies and entities represented on the Task Force  
2           to promote ecosystem protection, restoration,  
3           and maintenance;

4           (D) shall establish a regional working  
5           group which shall include representatives of the  
6           agencies and entities represented on the Task  
7           Force as well as other governmental entities as  
8           appropriate for the purpose of formulating, rec-  
9           ommending, coordinating, and implementing  
10          policies, strategies, plans, programs, projects,  
11          activities, and priorities of the Task Force;

12          (E) may allow the working group described  
13          in subparagraph (D) to—

14               (i) establish such advisory bodies as  
15               are necessary to assist the Task Force in  
16               its duties; and

17               (ii) select as an advisory body any en-  
18               tity that represents a broad variety of pri-  
19               vate and public interests;

20          (F) shall facilitate the resolution of inter-  
21          agency and intergovernmental conflicts associ-  
22          ated with the protection, conservation, and res-  
23          toration of the Coastal Louisiana Ecosystem;

1 (G) shall coordinate scientific research as-  
2 sociated with the protection and restoration of  
3 the Coastal Louisiana Ecosystem;

4 (H) shall provide assistance and support to  
5 agencies and entities represented on the Task  
6 Force in their protection and restoration activi-  
7 ties;

8 (I) shall prepare an integrated financial  
9 plan and recommendations for coordinated  
10 budget requests for the funds proposed to be  
11 expended by agencies and entities represented  
12 on the Task Force for the protection, conserva-  
13 tion, and restoration of the Coastal Louisiana  
14 Ecosystem; and

15 (J) shall transmit to the Committee on  
16 Transportation and Infrastructure of the House  
17 of Representatives and the Committee on Envi-  
18 ronment and Public Works of the Senate a re-  
19 port that summarizes the activities of the Task  
20 Force.

21 (3) PROCEDURES AND ADVICE.—

22 (A) PUBLIC PARTICIPATION.—

23 (i) IN GENERAL.—The Task Force  
24 shall implement procedures to facilitate  
25 public participation in the advisory proc-

1           ess, including providing advance notice of  
2           meetings, providing adequate opportunity  
3           for public input and comment, maintaining  
4           appropriate records, and making a record  
5           of proceedings of meetings available for  
6           public inspection.

7                   (ii) OVERSIGHT.—The Secretary shall  
8           ensure that the procedures described in  
9           clause (i) are adopted and implemented  
10          and that the records described in clause (i)  
11          are accurately maintained and available for  
12          public inspection.

13                   (B) ADVISORS TO THE TASK FORCE AND  
14          WORKING GROUPS.—The Task Force or the  
15          working group described in paragraph (2)(D)  
16          may seek such advice and input from any inter-  
17          ested, knowledgeable, or affected party as the  
18          Task Force or working group determines to be  
19          necessary to perform the duties described in  
20          paragraph (2).

21                   (C) APPLICATION OF THE FEDERAL ADVI-  
22          SORY COMMITTEE ACT.—The Task Force, advi-  
23          sors to the Task Force, and any associated  
24          workgroups shall not be considered advisory

1 committees under the Federal Advisory Com-  
2 mittee Act (5 U.S.C. App).

3 (4) COMPENSATION.—A member of the Task  
4 Force shall receive no additional compensation for  
5 the services provided as a member of the Task  
6 Force.

7 (5) TRAVEL EXPENSES.—Travel expenses in-  
8 curred by a member of the Task Force in the per-  
9 formance of services for the Task Force shall be  
10 paid by the agency or entity that the member rep-  
11 resents.

12 **SEC. 5044. BATON ROUGE, LOUISIANA.**

13 Section 219(f)(21) of the Water Resources Develop-  
14 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
15 is amended by striking “\$20,000,000” and inserting  
16 “\$35,000,000”.

17 **SEC. 5045. WEST BATON ROUGE PARISH, LOUISIANA.**

18 Section 517(5) of the Water Resources Development  
19 Act of 1999 (113 Stat. 345) is amended to read as follows:

20 “(5) Mississippi River, West Baton Rouge Par-  
21 ish, Louisiana, project for waterfront and riverine  
22 preservation, restoration, enhancement modifica-  
23 tions, and interpretive center development.”.

1 **SEC. 5046. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**  
2 **GINIA, PENNSYLVANIA, AND DELAWARE.**

3 (a) IN GENERAL.—In carrying out comprehensive  
4 study of the feasibility of a project to address shoreline  
5 erosion and related sediment management measures to  
6 protect water and land resources of the Chesapeake Bay,  
7 the Secretary may carry out pilot projects to demonstrate  
8 the feasibility of alternative measures to address sediment  
9 loads to the Chesapeake Bay from sediment behind dams  
10 on the lower Susquehanna River.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated \$5,000,000 to carry out this  
13 section.

14 **SEC. 5047. DELMARVA CONSERVATION CORRIDOR, MARY-**  
15 **LAND.**

16 (a) ASSISTANCE.—The Secretary may provide tech-  
17 nical assistance to the Secretary of Agriculture in carrying  
18 out the Conservation Corridor Demonstration Program  
19 authorized under subtitle G of title II of Public Law 107–  
20 171 (116 Stat. 275–278).

21 (b) COORDINATION AND INTEGRATION.—In carrying  
22 out water resources projects in the State of Maryland on  
23 land located on the east side of the Chesapeake Bay, the  
24 Secretary shall coordinate and integrate, to the extent  
25 practicable, such projects with any activities undertaken  
26 to implement a conservation corridor plan approved by the

1 Secretary of Agriculture under section 2602 of Public Law  
2 107–171 (116 Stat. 275–276).

3 **SEC. 5048. DETROIT RIVER, MICHIGAN.**

4 Section 568(c)(2) of the Water Resources Develop-  
5 ment Act of 1999 (113 Stat. 368) is amended by striking  
6 “\$1,000,000” and inserting “\$25,000,000”.

7 **SEC. 5049. OAKLAND COUNTY, MICHIGAN.**

8 Section 219(f)(29) of the Water Resources Develop-  
9 ment Act of 1992 (113 Stat. 336) is amended by inserting  
10 “sanitary sewer overflows and” before “combined sewer  
11 overflows”.

12 **SEC. 5050. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

13  
14 The Secretary shall carry out feasible aquatic eco-  
15 system restoration projects identified in the comprehensive  
16 management plan for St. Clair River and Lake St. Clair,  
17 Michigan, developed under section 426 of the Water Re-  
18 sources Development Act of 1999 (113 Stat. 326), at a  
19 total Federal cost of not to exceed \$5,000,000.

20 **SEC. 5051. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

21 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of  
22 the Water Resources Development Act of 1992 (114 Stat.  
23 2763A–221) is amended by adding at the end the fol-  
24 lowing: “Such assistance shall be provided directly to the

1 Garrison-Kathio-West Mille Lacs Lake Sanitary District,  
2 Minnesota.”.

3 (b) PROCEDURE.—In carrying out the project for  
4 Garrison and Kathio Township, Minnesota, authorized by  
5 such section 219(f)(61), the Secretary may use the cost  
6 sharing and contracting procedure available to the Sec-  
7 retary under section 569 of the Water Resources Develop-  
8 ment Act of 1999 (113 Stat. 368).

9 **SEC. 5052. NORTHEASTERN MINNESOTA.**

10 (a) IN GENERAL.—Section 569 of the Water Re-  
11 sources Development Act of 1999 (113 Stat. 368) is  
12 amended—

13 (1) in subsection (a) by striking “Benton,  
14 Sherburne,” and inserting “Beltrami, Hubbard,  
15 Wadena,”;

16 (2) by striking the last sentence of subsection  
17 (e)(3)(B);

18 (3) by striking subsection (g) and inserting the  
19 following:

20 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
21 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
22 1962d–5b(b)), for any project undertaken under this sec-  
23 tion, a non-Federal interest may include a nonprofit enti-  
24 ty.”; and

25 (4) by adding at the end the following:



1       “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
2 of the amounts appropriated to carry out this section may  
3 be used by the Corps of Engineers district offices to ad-  
4 minister projects under this section at 100 percent Fed-  
5 eral expense.”.

6       (b) BIWABIK, MINNESOTA.—The Secretary shall re-  
7 imburse the non-Federal interest for the project for envi-  
8 ronmental infrastructure, Biwabik, Minnesota, carried out  
9 under section 569 of the Water Resources Development  
10 Act of 1999 (113 Stat. 368–369), for planning, design,  
11 and construction costs incurred by the non-Federal inter-  
12 est with respect to the project before the date of the part-  
13 nership agreement for the project and were in excess of  
14 the non-Federal share of the project costs if the Secretary  
15 determines that the costs are appropriate.

16 **SEC. 5053. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

17       As a part of the operation and maintenance of the  
18 project for the Mississippi River (Regulating Works), be-  
19 tween the Ohio and Missouri Rivers, Missouri and Illinois,  
20 authorized by the first section of an Act entitled “Making  
21 appropriations for the construction, repair, and preserva-  
22 tion of certain public works on rivers and harbors, and  
23 for other purposes”, approved June 25, 1910, the Sec-  
24 retary may carry out activities necessary to restore and  
25 protect fish and wildlife habitat in the middle Mississippi

1 River system. Such activities may include modification of  
 2 navigation training structures, modification and creation  
 3 of side channels, modification and creation of islands, and  
 4 studies and analysis necessary to apply adaptive manage-  
 5 ment principles in design of future work.

6 **SEC. 5054. ST. LOUIS, MISSOURI.**

7 Section 219(f)(32) of the Water Resources Develop-  
 8 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337)  
 9 is amended by striking “\$15,000,000” and inserting  
 10 “\$35,000,000”.

11 **SEC. 5055. HACKENSACK MEADOWLANDS AREA, NEW JER-**  
 12 **SEY.**

13 Section 324 of the Water Resources Development Act  
 14 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

15 (1) in subsection (a) by striking “Hackensack  
 16 Meadowlands Development” and all that follows  
 17 through “Plan for” and inserting “New Jersey  
 18 Meadowlands Commission for the development of an  
 19 environmental improvement program for”;

20 (2) in subsection (b)—

21 (A) in the subsection heading by striking  
 22 “REQUIRED”;

23 (B) by striking “shall” and inserting  
 24 “may”; and

1 (C) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) Enhancement and acquisition of signifi-  
4 cant wetlands that contribute to the Meadowlands  
5 ecosystem.”;

6 (3) in subsection (c) by inserting before the last  
7 sentence the following: “The non-Federal sponsor  
8 may also provide in-kind services, not to exceed 25  
9 percent of the total project cost, and may also re-  
10 ceive credit for reasonable cost of design work com-  
11 pleted prior to entering into the partnership agree-  
12 ment with the Secretary for a project to be carried  
13 out under the program developed under subsection  
14 (a).”; and

15 (4) in subsection (d) by striking “\$5,000,000”  
16 and inserting “\$35,000,000”.

17 **SEC. 5056. ATLANTIC COAST OF NEW YORK.**

18 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of  
19 the Water Resources Development Act of 1992 (106 Stat.  
20 4863) is amended—

21 (1) by striking “processes” and inserting “and  
22 related environmental processes”;

23 (2) by inserting after “Atlantic Coast” the fol-  
24 lowing: “(and associated back bays)”;

1           (3) by inserting after “actions” the following: “,  
2       environmental restoration or conservation measures  
3       for coastal and back bays,”; and

4           (4) by inserting at the end the following: “The  
5       plan for collecting data and monitoring information  
6       included in such annual report shall be fully coordi-  
7       nated with and agreed to by appropriate agencies of  
8       the State of New York.”.

9       (b) ANNUAL REPORTS.—Section 404(b) of such Act  
10   is amended—

11           (1) by striking “INITIAL PLAN.—Not later than  
12       12 months after the date of enactment of this Act,  
13       the” and inserting “ANNUAL REPORTS.—The”;

14           (2) by striking “initial plan for data collection  
15       and monitoring” and inserting “annual report of  
16       data collection and monitoring activities”; and

17           (3) by striking the last sentence.

18       (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
19   404(c) of such Act (113 Stat. 341) is amended by striking  
20   “and an additional total of \$2,500,000 for fiscal years  
21   thereafter” and inserting “\$2,500,000 for fiscal years  
22   2000 through 2002, and \$17,000,000 for fiscal years be-  
23   ginning after September 30, 2002,”.

1 **SEC. 5057. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

2 In carrying out section 312 of the Water Resources  
3 Development Act of 1990 (104 Stat. 4639–4640), the Sec-  
4 retary shall give priority to work in College Point, New  
5 York City, New York.

6 **SEC. 5058. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
7 **NEW YORK.**

8 The Secretary shall credit toward the non-Federal  
9 share of the cost of the project for ecosystem restoration,  
10 Flushing Bay and Creek, New York City, New York, the  
11 cost of design and construction work carried out by the  
12 non-Federal interest before the date of the partnership  
13 agreement for the project if the Secretary determines that  
14 the work is integral to the project.

15 **SEC. 5059. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**  
16 **NEW YORK.**

17 (a) IN GENERAL.—The Secretary may carry out a  
18 navigation project at Little Neck Bay (Hague Basin), Vil-  
19 lage of Kings Point, New York, sufficient to permit the  
20 safe operation of the vessel T/V Kings Pointer at all tide  
21 levels.

22 (b) REIMBURSEMENT.—The Secretary shall seek re-  
23 imbursement from the United States Merchant Marine  
24 Academy for the cost of the project carried out under this  
25 section.

1 **SEC. 5060. STANLEY COUNTY, NORTH CAROLINA.**

2 Section 219(f)(64) of the Water Resources Develop-  
3 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
4 inserting “water and” before “wastewater”.

5 **SEC. 5061. PIEDMONT LAKE DAM, OHIO.**

6 In reconstructing the road on the Piedmont Lake  
7 Dam as part of the project for dam safety assurance, Pied-  
8 mont Lake Dam, Ohio, being carried out under section  
9 4 of the Flood Control Act of August 11, 1939 (53 Stat.  
10 1414–1415), the Secretary shall upgrade the condition of  
11 the road to meet standards applicable to public use roads  
12 in the State of Ohio. The incremental cost of upgrading  
13 the road to meet such standards shall be a non-Federal  
14 expense.

15 **SEC. 5062. WAURIKA LAKE, OKLAHOMA.**

16 The remaining obligation of the Waurika Project  
17 Master Conservancy District payable to the United States  
18 Government in the amounts, rates of interest, and pay-  
19 ment schedules is set at the amounts, rates of interest,  
20 and payment schedules that existed, and that both parties  
21 agreed to, on June 3, 1986, and may not be adjusted,  
22 altered, or changed without a specific, separate, and writ-  
23 ten agreement between the District and the United States  
24 Government.

1 **SEC. 5063. COLUMBIA RIVER, OREGON.**

2 Section 401(b)(3) of Public Law 100–581 (102 Stat.  
3 2944), is amended by inserting “and Celilo Village, Or-  
4 egon” after “existing sites”.

5 **SEC. 5064. EUGENE, OREGON.**

6 (a) IN GENERAL.—The Secretary shall conduct a  
7 study to determine the feasibility of restoring the millrace  
8 in Eugene, Oregon, and, if the Secretary determines that  
9 the restoration is feasible, shall carry out the restoration.

10 (b) CONSIDERATION OF NON-ECONOMIC BENE-  
11 FITS.—In determining the feasibility of restoring the mill-  
12 race, the Secretary shall include non-economic benefits as-  
13 sociated with the historical significance of the millrace and  
14 associated with preservation and enhancement of re-  
15 sources.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$20,000,000.

19 **SEC. 5065. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**  
20 **EGON AND WASHINGTON.**

21 (a) IN GENERAL.—The Secretary shall pay up to  
22 \$2,500,000 to the provider of research and curation sup-  
23 port previously provided to the Federal Government as a  
24 result of the multi-purpose project, John Day Lock and  
25 Dam, Lake Umatilla, Oregon and Washington, authorized  
26 by section 101 of the River and Harbor Act of 1950 (64

1 Stat. 167), and the several navigation and flood damage  
2 reduction projects constructed on the Columbia River and  
3 Lower Willamette River, Oregon and Washington.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$2,500,000.

7 **SEC. 5066. LOWELL, OREGON.**

8 (a) IN GENERAL.—The Secretary may convey with-  
9 out consideration to Lowell School District, by quitclaim  
10 deed, all right, title and interest of the United States in  
11 and to approximately 3.32 acres of land and buildings  
12 thereon, known as Tract A-82, located in Lowell, Oregon,  
13 and described in subsection (b).

14 (b) DESCRIPTION OF PROPERTY.—The parcel of land  
15 authorized to be conveyed under subsection (a) is as fol-  
16 lows: Commencing at the point of intersection of the west  
17 line of Pioneer Street with the westerly extension of the  
18 north line of Summit Street, in Meadows Addition to Low-  
19 ell, as platted and recorded at page 56 of Volume 4, Lane  
20 County Oregon Plat Records; thence north on the west  
21 line of Pioneer Street a distance of 176.0 feet to the true  
22 point of beginning of this description; thence north on the  
23 west line of Pioneer Street a distance of 170.0 feet; thence  
24 west at right angles to the west line of Pioneer Street a  
25 distance of 250.0 feet; thence south and parallel to the



1 west line of Pioneer Street a distance of 170.0 feet; thence  
 2 east 250.0 feet to the true point of beginning of this de-  
 3 scription in Section 14, Township 19 South, Range 1 West  
 4 of the Willamette Meridian, Lane County, Oregon.

5 (c) TERMS AND CONDITIONS.—Before conveying the  
 6 parcel to the school district, the Secretary shall ensure  
 7 that the conditions of buildings and facilities meet the re-  
 8 quirements of applicable Federal law.

9 (d) GENERALLY APPLICABLE PROVISIONS.—

10 (1) APPLICABILITY OF PROPERTY SCREENING  
 11 PROVISIONS.—Section 2696 of title 10, United  
 12 States Code, shall not apply to any conveyance  
 13 under this section.

14 (2) LIABILITY.—An entity to which a convey-  
 15 ance is made under this section shall hold the  
 16 United States harmless from any liability with re-  
 17 spect to activities carried out, on or after the date  
 18 of the conveyance, on the real property conveyed.  
 19 The United States shall remain responsible for any  
 20 liability with respect to activities carried out, before  
 21 such date, on the real property conveyed.

22 **SEC. 5067. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYL-**  
 23 **VANIA.**

24 The Secretary may rehabilitate the pumps at the  
 25 project for flood damage reduction, Hagerman's Run, Wil-

1 liamsport, Pennsylvania, at a total Federal cost of  
2 \$225,000.

3 **SEC. 5068. NORTHEAST PENNSYLVANIA.**

4 Section 219(f)(11) of the Water Resources Develop-  
5 ment Act of 1992 (113 Stat. 335) is amended by striking  
6 “and Monroe” and inserting “Northumberland, Union,  
7 Snyder, and Montour”.

8 **SEC. 5069. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**  
9 **RAYSTOWN LAKE, PENNSYLVANIA.**

10 (a) IMPROVEMENT OF ACCESS ROAD.—The Sec-  
11 retary may make improvements to the Susquehannock  
12 Campground access road at Raystown Lake, Pennsyl-  
13 vania.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$500,000.

17 **SEC. 5070. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
18 **VANIA AND NEW YORK.**

19 Section 567 of the Water Resources Development Act  
20 of 1996 (114 Stat. 2662–2663; 110 Stat. 3787–3788) is  
21 amended—

22 (1) in subsection (a)(2) by striking  
23 “\$10,000,000.” and inserting the following:  
24 “\$20,000,000, of which the Secretary may utilize  
25 not more than \$5,000,000 to design and construct

1 feasible pilot projects during the development of the  
2 strategy to demonstrate alternative approaches for  
3 the strategy. The total cost for any single pilot  
4 project may not exceed \$500,000. The Secretary  
5 shall evaluate the results of the pilot projects and  
6 consider the results in the development of the strat-  
7 egy.”.

8 (2) in subsection (c)—

9 (A) in the subsection heading by striking  
10 “COOPERATION” and inserting “COOPERA-  
11 TIVE”; and

12 (B) by striking “cooperation” and insert-  
13 ing “cooperative”; and

14 (3) by adding at the end the following:

15 “(e) CREDIT.—The Secretary shall credit toward the  
16 non-Federal share of the cost of the project (i) the cost  
17 of design and construction work carried out by the non-  
18 Federal interest before the date of the partnership agree-  
19 ment for the project if the Secretary determines that the  
20 work is integral to the project; and (ii) the cost of in-kind  
21 services and materials provided for the project by the non-  
22 Federal interest.”.

1 **SEC. 5071. WASHINGTON, GREENE, WESTMORELAND, AND**  
2 **FAYETTE COUNTIES, PENNSYLVANIA.**

3 Section 219(f)(70) of the Water Resources Develop-  
4 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
5 striking “\$8,000,000” and inserting “\$13,300,000”.

6 **SEC. 5072. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

7 The Secretary shall review a report prepared by the  
8 non-Federal interest concerning flood protection and envi-  
9 ronmental restoration for Cano Martin Pena, San Juan,  
10 Puerto Rico, and, if the Secretary determines that the re-  
11 port meets the evaluation and design standards of the  
12 Corps of Engineers and that the project is feasible, may  
13 carry out the project, at a total cost of \$130,000,000, with  
14 an estimated Federal cost of \$85,000,000 and an esti-  
15 mated non-Federal cost of \$45,000,000.

16 **SEC. 5073. LAKES MARION AND MOULTRIE, SOUTH CARO-**  
17 **LINA.**

18 Section 219(f)(25) of the Water Resources Develop-  
19 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
20 is amended—

21 (1) by striking “\$15,000,000” and inserting  
22 “\$35,000,0000”; and

23 (2) by inserting “wastewater treatment and”  
24 before “water supply”.

1 **SEC. 5074. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**  
2 **DAKOTA.**

3 (a) IN GENERAL.—The Secretary shall review the  
4 project for flood damage reduction, Upper Big Sioux River  
5 basin, Watertown, South Dakota, as described in the re-  
6 port of the Chief of Engineers, dated August 31, 1994,  
7 and entitled “Watertown and Vicinity, South Dakota”  
8 and, if the Secretary determines that the project is fea-  
9 sible, may carry out the project, at a total cost of  
10 \$25,000,000.

11 (b) NON-FEDERAL SHARE.—

12 (1) IN GENERAL.—The non-Federal share of  
13 the cost of the review may be provided in the form  
14 of in-kind services and materials.

15 (2) CREDIT.—The Secretary shall credit toward  
16 the non-Federal share of the cost of the review the  
17 cost of planning and design work carried out by the  
18 non-Federal interest before the date of an agreement  
19 for the review if the Secretary determines that such  
20 work is integral to the review.

21 **SEC. 5075. FRITZ LANDING, TENNESSEE.**

22 The Secretary shall—

23 (1) conduct a study of the Fritz Landing Agri-  
24 cultural Spur Levee, Tennessee, to determine the ex-  
25 tent of levee modifications that would be required to

1 make the levee and associated drainage structures  
2 consistent with Federal standards;

3 (2) design and construct such modifications;  
4 and

5 (3) after completion of such modifications, in-  
6 corporate the levee into the project for flood control,  
7 Mississippi River and Tributaries, authorized by the  
8 Act entitled “An Act for the control of floods on the  
9 Mississippi River and its tributaries, and for other  
10 purposes”, approved May 15, 1928 (45 Stat. 534–  
11 539), commonly known as the “Flood Control Act of  
12 1928”.

13 **SEC. 5076. MEMPHIS, TENNESSEE.**

14 The Secretary shall review the aquatic ecosystem res-  
15 toration component of the Memphis Riverfront Develop-  
16 ment Master Plan, Memphis, Tennessee, prepared by the  
17 non-Federal interest and, if the Secretary determines that  
18 the component meets the evaluation and design standards  
19 of the Corps of Engineers and that the component is fea-  
20 sible, may carry out the component at a total Federal cost  
21 not to exceed \$5,000,000.

22 **SEC. 5077. TOWN CREEK, LENOIR CITY, TENNESSEE.**

23 The Secretary shall design and construct the project  
24 for flood damage reduction designated as Alternative 4 in  
25 the Town Creek, Lenoir City, Loudon City, Tennessee,

1 feasibility report of the Nashville district engineer, dated  
2 November 2000, under the authority of section 205 of the  
3 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-  
4 standing section 1 of the Flood Control Act of June 22,  
5 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal  
6 share of the cost of the project shall be subject to section  
7 103(a) of the Water Resources Development Act of 1986  
8 (33 U.S.C. 2213(a)).

9 **SEC. 5078. TENNESSEE RIVER PARTNERSHIP.**

10 (a) IN GENERAL.—As part of the operation and  
11 maintenance of the project for navigation, Tennessee  
12 River, Tennessee, Alabama, Mississippi, and Kentucky,  
13 authorized by the first section of the Rivers and Harbors  
14 Act of July 3, 1930 (46 Stat. 927), the Secretary may  
15 enter into a partnership with a nonprofit entity to remove  
16 debris from the Tennessee River in the vicinity of Knox-  
17 ville, Tennessee, by providing a vessel to such entity, at  
18 Federal expense, for such debris removal purposes.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$500,000.

22 **SEC. 5079. CLEAR CREEK AND TRIBUTARIES, HARRIS AND**  
23 **GALVESTON COUNTIES, TEXAS.**

24 The Secretary shall expedite completion of the report  
25 for the project for flood damage reduction, ecosystem res-

1 tation, and recreation, Clear Creek and tributaries, Har-  
2 ris and Galveston Counties, Texas.

3 **SEC. 5080. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

4 (a) STUDY.—

5 (1) IN GENERAL.—The Secretary shall conduct  
6 a study to determine the feasibility of carrying out  
7 a project for flood damage reduction in the Harris  
8 Gully watershed, Harris County, Texas, to provide  
9 flood protection for the Texas Medical Center, Hous-  
10 ton, Texas.

11 (2) USE OF LOCAL STUDIES AND PLANS.—In  
12 conducting the study, the Secretary shall use, to the  
13 extent practicable, studies and plans developed by  
14 the non-Federal interest if the Secretary determines  
15 that such studies and plans meet the evaluation and  
16 design standards of the Corps of Engineers.

17 (3) COMPLETION DATE.—The Secretary shall  
18 complete the study by July 1, 2004.

19 (b) CRITICAL FLOOD DAMAGE REDUCTION MEAS-  
20 URES.—The Secretary may carry out critical flood damage  
21 reduction measures that the Secretary determines are fea-  
22 sible and that will provide immediate and substantial flood  
23 damage reduction benefits in the Harris Gully watershed,  
24 at a Federal cost of \$7,000,000.



1 (c) CREDIT.—The Secretary shall credit toward the  
2 non-Federal share of the cost of the project the cost of  
3 planning, design, and construction work carried out by the  
4 non-Federal interest before the date of the partnership  
5 agreement for the project if the Secretary determines that  
6 such work is integral to the project.

7 (d) NONPROFIT ENTITY.—Notwithstanding section  
8 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
9 5b), a nonprofit entity may, with the consent of the local  
10 government, serve as a non-Federal interest for the project  
11 undertaken under this section.

12 **SEC. 5081. ONION CREEK, TEXAS.**

13 In carrying out the study for the project for flood  
14 damage, reduction, recreation, and ecosystem restoration,  
15 Onion Creek, Texas, the Secretary shall include the costs  
16 and benefits associated with the relocation of flood-prone  
17 residences in the study area for the project during the 2-  
18 year period before the initiation of the feasibility study to  
19 the extent the Secretary determines such relocations are  
20 compatible with the project. The Secretary shall credit to-  
21 ward the non-Federal share of the cost of the project the  
22 cost of relocation of such flood-prone residences incurred  
23 by the non-Federal interest before the date of the partner-  
24 ship agreement for the project if the Secretary determines

1 that the relocation of such residences is integral to the  
2 project.

3 **SEC. 5082. PELICAN ISLAND, TEXAS.**

4 (a) IN GENERAL.—Section 108(a) of the Energy and  
5 Water Development Appropriations Act, 1994 (33 U.S.C.  
6 59hh(a)) is amended—

7 (1) by striking “The Secretary” and inserting  
8 the following:

9 “(1) AUTHORITY TO CONVEY.—The Secretary”;

10 (2) by adding at the end the following:

11 “(2) LETTER OF INTENT.—

12 “(A) IN GENERAL.—The Secretary may  
13 provide a letter of intent to the city of Gal-  
14 veston for conveyance of less than 100 acres of  
15 the parcel described in subsection (a) for pri-  
16 vate development purposes if the Secretary re-  
17 ceives and approves a proposal by the city des-  
18 ignating the land which would be subject to  
19 such development.

20 “(B) DISPOSITION OF SPOIL.—If the Sec-  
21 retary issues a letter of intent under subpara-  
22 graph (A), no additional spoil material may be  
23 placed on the land designated for private devel-  
24 opment for a period of at least 5 years from the  
25 date of issuance of the letter to provide the city

1 of Galveston with an opportunity to secure pri-  
 2 vate developers, perform appraisals, conduct en-  
 3 vironmental studies, and provide the compensa-  
 4 tion to the United States required for the con-  
 5 veyance.”; and

6 (3) by aligning the remainder of the text of  
 7 paragraph (1) (as designated by paragraph (1) of  
 8 this subsection) with paragraph (2) (as added by  
 9 paragraph (2) of this subsection).

10 (b) EXPIRATION DATE.—Section 108(e)(3) of such  
 11 Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date  
 12 of the enactment of this Act” and inserting “date of enact-  
 13 ment of the Water Resources Development Act of 2002”.

14 **SEC. 5083. FRONT ROYAL, VIRGINIA.**

15 Section 591(a)(2)(C) of the Water Resources Devel-  
 16 opment Act of 1999 (113 Stat. 378) is amended by strik-  
 17 ing “\$12,000,000” and inserting “\$22,000,000”.

18 **SEC. 5084. RICHMOND NATIONAL BATTLEFIELD PARK,**  
 19 **RICHMOND, VIRGINIA.**

20 (a) IN GENERAL.—The Secretary is authorized to  
 21 carry out bluff stabilization measures on the James River  
 22 in the vicinity of Drewry’s Bluff, Richmond National Bat-  
 23 tlefield Park, Richmond, Virginia.

24 (b) REIMBURSEMENT.—The Secretary shall seek re-  
 25 imbursement from the Secretary of the Interior of any

1 costs incurred by the Secretary in carrying out subsection  
2 (a).

3 **SEC. 5085. BAKER BAY AND ILWACO HARBOR, WASH-**  
4 **INGTON.**

5 The Secretary shall conduct a study of increased sil-  
6 tation in Baker Bay and Ilwaco Harbor, Washington, to  
7 determine if the siltation is the result of a Federal naviga-  
8 tion project (including diverted flows from the Columbia  
9 River) and, if the Secretary determines that the siltation  
10 is the result of a Federal navigation project, the Secretary  
11 shall carry out a project to mitigate the siltation as part  
12 of maintenance of the Federal navigation project.

13 **SEC. 5086. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

14 The Secretary shall credit toward the non-Federal  
15 share of the cost of the project for flood damage reduction,  
16 Chehalis River, Centralia, Washington, the cost of plan-  
17 ning, design, and construction work carried out by the  
18 non-Federal interest before the date of the partnership  
19 agreement for the project if the Secretary determines that  
20 the work is integral to the project.

21 **SEC. 5087. HAMILTON ISLAND CAMPGROUND, WASH-**  
22 **INGTON.**

23 The Secretary is authorized to plan, design, and con-  
24 struct a campground for Bonneville Lock and Dam at

1 Hamilton Island (also know as “Strawberry Island”) in  
2 Skamania County, Washington.

3 **SEC. 5088. PUGET ISLAND, WASHINGTON.**

4       The Secretary is directed to place dredged and other  
5 suitable material along portions of the Columbia River  
6 shoreline of Puget Island, Washington, between river miles  
7 38 to 47 in order to protect economic and environmental  
8 resources in the area from further erosion, at a Federal  
9 cost of \$1,000,000. This action shall be coordinated with  
10 appropriate resource agencies and comply with applicable  
11 Federal laws.

12 **SEC. 5089. BLUESTONE, WEST VIRGINIA.**

13       Section 547 of the Water Resources Development Act  
14 of 2000 (114 Stat. 2676–2678) is amended—

15           (1) in subsection (b)(1)(A) by striking “4  
16 years” and inserting “5 years”;

17           (2) in subsection (b)(1)(B)(iii) by striking “if  
18 all” and all that follows through “facility” and in-  
19 serting “assurance project”;

20           (3) in subsection (b)(1)(C) by striking “and  
21 construction” and inserting “, construction, and op-  
22 eration and maintenance”;

23           (4) by adding at the end of subsection (b) the  
24 following:

1           “(3) OPERATION AND OWNERSHIP.—The Tri-  
2       Cities Power Authority shall be the owner and oper-  
3       ator of the hydropower facilities referred to in sub-  
4       section (a).”;

5           (5) in subsection (c)(1)—

6                (A) by striking “No” and inserting “Un-  
7       less otherwise provided, no”;

8                (B) by inserting “planning,” before “de-  
9       sign”; and

10              (C) by striking “prior to” and all that fol-  
11       lows through “subsection (d)”;

12           (6) in subsection (c)(2) by striking “design”  
13       and inserting “planning, design,”;

14           (7) in subsection (d)—

15                (A) by striking paragraphs (1) and (2) and  
16       inserting the following:

17           “(1) APPROVAL.—The Secretary shall review  
18       the design and construction activities for all features  
19       of the hydroelectric project that pertain to and affect  
20       stability of the dam and control the release of water  
21       from Bluestone Dam to ensure that the quality of  
22       construction of those features meets all standards  
23       established for similar facilities constructed by the  
24       Secretary.”;

1 (B) by redesignating paragraph (3) as  
2 paragraph (2);

3 (C) by striking the period at the end of  
4 paragraph (2) (as so redesignated) and insert-  
5 ing “, except that hydroelectric power is no  
6 longer a project purpose of the facility. Water  
7 flow releases from the hydropower facilities  
8 shall be determined and directed by the Corps  
9 of Engineers.”; and

10 (D) by adding at the end the following:

11 “(3) COORDINATION .—Construction of the hy-  
12 droelectric generating facilities shall be coordinated  
13 with the dam safety assurance project currently in  
14 the design and construction phases.”;

15 (8) in subsection (e) by striking “in accord-  
16 ance” and all that follows through “58 Stat. 890”;

17 (9) in subsection (f)—

18 (A) by striking “facility of the inter-  
19 connected systems of reservoirs operated by the  
20 Secretary” each place it appears and inserting  
21 “facilities under construction under such agree-  
22 ments”;

23 (B) by striking “design” and inserting  
24 “planning, design”;

25 (10) in subsection (f)(2)—

1 (A) by “Secretary” each place it appears  
 2 and inserting “Tri-Cities Power Authority”;  
 3 and

4 (B) by striking “facilities referred to in  
 5 subsection (a)” and inserting “such facilities”;

6 (11) by striking paragraph (1) of subsection (g)  
 7 and inserting the following:

8 “(1) to arrange for the transmission of power  
 9 to the market or to construct such transmission fa-  
 10 cilities as necessary to market the power produced at  
 11 the facilities referred to in subsection (a) with funds  
 12 contributed by the Tri-Cities Power Authority; and”;

13 (12) in subsection (g)(2) by striking “such fa-  
 14 cilities” and all that follows through “the Secretary”  
 15 and inserting “the generating facility”; and

16 (13) by adding at the end the following:

17 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In  
 18 this section, the “Tri-Cities Power Authority” refers to the  
 19 entity established by the City of Hinton, West Virginia,  
 20 the City of White Sulphur Springs, West Virginia, and the  
 21 City of Philippi, West Virginia, pursuant to a document  
 22 entitled “Second Amended and Restated Intergovern-  
 23 mental Agreement” approved by the Attorney General of  
 24 West Virginia on February 14, 2002.”.



1 **SEC. 5090. WEST VIRGINIA AND PENNSYLVANIA FLOOD**  
2 **CONTROL.**

3 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-  
4 GINIA.—Section 581(a)(1) of the Water Resources Devel-  
5 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is  
6 amended—

7 (1) by striking “flood control measures” and in-  
8 serting “structural and nonstructural flood control,  
9 streambank protection, stormwater management,  
10 and channel clearing and modification measures”;  
11 and

12 (2) by inserting “with respect to measures that  
13 incorporate levees or floodwalls” before the semi-  
14 colon.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 581(c) of the Water Resources Development Act of 1996  
17 (110 Stat. 3791) is amended by striking “\$12,000,000”  
18 and inserting “\$90,000,000”.

19 **SEC. 5091. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

20 The Secretary shall conduct a watershed and river  
21 basin assessment under section 729 of the Water Re-  
22 sources Development Act of 1986 (33 U.S.C. 2267a) for  
23 the Lower Kanawha River Basin, in the counties of  
24 Mason, Putnam, Kanawha, Jackson, and Roane, West  
25 Virginia.

1 **SEC. 5092. CENTRAL WEST VIRGINIA.**

2 Section 571 of the Water Resources Development Act  
3 of 1999 (113 Stat. 371) is amended—

4 (1) in subsection (a)—

5 (A) by striking “Nicholas,”; and

6 (B) by striking “Gilmer,”; and

7 (2) by adding at the end the following:

8 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
9 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
10 1962d–5b(b)), for any project undertaken under this sec-  
11 tion, a non-Federal interest may include a nonprofit entity  
12 with the consent of the affected local government.

13 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
14 of the amounts appropriated to carry out this section may  
15 be used by the Corps of Engineers district offices to ad-  
16 minister projects under this section at 100 percent Fed-  
17 eral expense.”.

18 **SEC. 5093. SOUTHERN WEST VIRGINIA.**

19 (a) CORPS OF ENGINEERS.—Section 340 of the  
20 Water Resources Development Act of 1992 (106 Stat.  
21 4856; 113 Stat. 320) is amended by adding at the end  
22 the following:

23 “(h) CORPS OF ENGINEERS.—Ten percent of the  
24 amounts appropriated to carry out this section for fiscal  
25 years 2003 and thereafter may be used by the Corps of

1 Engineers district offices to administer projects under this  
2 section at 100 percent Federal expense.”.

3 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section  
4 340(f) of such Act is amended by inserting “Nicholas,”  
5 after “Greenbrier,”.

6 (c) NONPROFIT ENTITIES.—Section 340 of the  
7 Water Resources Development Act of 1992 (106 Stat.  
8 4856) is further amended by adding at the end the fol-  
9 lowing:

10 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
11 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
12 1962d–5b(b)), for any project undertaken under this sec-  
13 tion, a non-Federal interest may include a nonprofit entity  
14 with the consent of the affected local government.”.

15 **SEC. 5094. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
16 **BY NON-FEDERAL INTERESTS.**

17 Section 211(f) of the Water Resources Development  
18 Act of 1996 (33 U.S.C. 701b–13) is amended—

19 (1) by redesignating paragraphs (7) and (8) as  
20 paragraphs (8) and (9), respectively;

21 (2) by inserting after paragraph (6) the fol-  
22 lowing:

23 “(7) HALLS BAYOU, TEXAS.—The project for  
24 flood control, Halls Bayou, Texas.”; and

25 (3) by adding at the end the following:

1           “(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
2       FIELD), ST. PAUL, MINNESOTA.—The project for  
3       flood damage reduction, St. Paul Downtown Airport  
4       (Holman Field), St. Paul, Minnesota.”.

5   **SEC. 5095. BRIDGE AUTHORIZATION.**

6       There is authorized to be appropriated \$20,000,000  
7       for the construction of the bridge referred to in section  
8       1001(a)(1).

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